Non-Muslims in the Sharī'ah of Islam

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قواعد التعامل مع غير المسلمين
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In the Name of Allah, Most Gracious, Most Merciful

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1. The Arabic Alphabet

No.	Letter	By	Example	
1.	أ	A	Asad	أسد
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3.	ت	T	Tabûk	تبوك
4.	ث	Th	Al-Haytham	الهيثم
5.	ج	J	Jâbir	جابر
6.	ح	H	Al-Hiwâlah	الحوالة
7.	خ	Kh	Khadîjah	خديجة
8.	د	D	Dînâr	دينار
9.	ذ	Dh	Dhul-Qa'dah	ذو القعدة
10.	ر	R	Ar-Ribâ	الربا
11.	ز	Z	Zaynab	زينب
12.	س	S	Sûrah	سورة
13.	ش	Sh	Ash-Shâfi'y	الشافعي
14.	ص	S	Al-Ansâr	الأنصار
15.	ض	D	Diyâ'	ضياء
16.	ط	T	At-Tawâf	الطواف
17.	ظ	Zh	Azh-Zhihâr	الظهار
18.	ع	'A, 'I, 'U	'Aly, Al-'Ilm, 'Umar	علي، العلم، عمر
19.	غ	Gh	Al-Mughîrah	المغيرة
20.	ف	F	Al-Fâtihah	الفاتحة
21.	ق	Q	Banû Qaynuqâ'	بنو قينقاع
22.	ك	K	Umm Kulthûm	أم كلثوم

23.	ل	L	Abû Lahab	أبو لهب
24.	م	M	Umayymah	أميمة
25.	ن	N	An-Nasî'ah	النسيئة
26.	هـ	H	Hind	هند
27.	و	W	Al-Wâqi'ah	الواقعة
28.	ي	Y	Yathrib	يثرب

2. Vowels & Diacritical Marks

No.	Letter	By	Example	
1.	الفتحة	A	Fahd	فهد
2.	المد بالألف	Â	Al-Isnâd	الإسناد
3.	الضمة	U	Al-Jumu'ah	الجمعة
4.	المد بالواو	Û	Al-Hudûd	الحدود
5.	الكسرة	I	Ash-Shirk	الشرك
6.	المد بالياء	Î	Ibn Sîrîn	ابن سيرين
7.	الألف المفتوحة	A	Al-Ahzâb	الأحزاب
8.	الألف المضمومة	U	Usâmah	أسامة
9.	الألف المكسورة	I	Al-'Ihsâr	الإحصار
10.	العين الساكنة	'	Sa'd, As-Sa'y	سعد، السعي

Translator's Note

All praises be to ͻAllâh, Who conferred upon us the honor to be at the service of His Religion. Blessings and peace be upon the Prophet Muhammad, who was sent with the guidance for all people, regardless of their race, complexion, or cultural or civilizational origin.

This book tries to provide a deep insight into a major issue of Islamic knowledge: that is how Islam approaches non-Muslims. The book clarifies very well how Islam, both in theory and practice, throughout history proved to be a peaceful religion and how it supported peaceful coexistence among people regardless of their religion, ethnicity, or race.

Throughout the translation we took the following course:

The Arabic text of the Qurͻânic verses were inserted in Uthmânî calligraphy.

The translations of the Glorious Qurͻân were adapted from Muhammad Mahmûd Ghâlî, Ph.D., Toward Understanding The Ever-Glorious Qurͻân, Dar An-Nashr Liljami'at.

Although the Hadîths were translated without their full chains of transmission, attribution has been made to their original recording in the different Hadîth compilations, which include *Sahîh Al-Bukhâry*, *Sahîh Muslim*, *Sunan Abû Dâwûd*, and others.

Finally, we pray that this translation will provide useful information and advice to all its readers, regardless of their background, and that they may all benefit from it. We also hope that all our efforts in this book will be counted among our good deeds with ͻAllâh, the Almighty. Amen.

Muhammad Fadel



Introduction

The contemporary epoch witnesses divers attitudes towards the Islamic approach to non-Muslims. This book covers this issue through a set of papers which the author has previously submitted to world conferences. As the viewpoints raised therein represent the most authentic views of Islamic jurisprudence, contributors and commentators to the said world conferences have not only supported the author's points but also recommended to spread them worldwide.

Throughout the chapters of this book, the author refers to Islamic references laid down by the most outstanding Muslim Scholars who lived when the Islamic state was powerful enough and whose views would have never flattered non-Muslim. At that time, Europe was living in the darkness of middle ages till the upheaval of the French Revolution.

In support of the thoughts and viewpoints raised in this wonderful book, Dar An-Nashr Lil-Jami'at is pleased to present it in an English edition, hoping it would be beneficial for whoever reads it.

The Publisher



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Chapter One: Peaceful Coexistence with Non-Muslims

Muslims' Relationship with Others

Man is sociable by nature, so in the course of his lifetime, he is bound to interact and have social relations with many of his compatriots.

Islam has defined such relations and governed them on the bases of equity and cordiality among all beings. Compassion and piety are obligatory for a Muslim, based on multi-plurality. ᵓAllâh, the Exalted, says:

﴿ ...وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا۟ عَلَى ٱلْإِثْمِ وَٱلْعُدْوَٰنِ ... ﴾

which means, "And help one another to benignancy and piety, and do not help one another to vice and hostility." (ᵓAl-Mâᵓidah, 5:2)

ᵓAllâh, the Exalted, also says,

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴾

"ᵓAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ᵓAllâh loves the equitable." (ᵓAl-Mumtahanah, 60:8)

For the reasons in the above verse, the first constitution, known as the *Declaration* or *Paper*, was established by the Prophet (peace be upon him) in Al-Madînah. The articles included in this Declaration stated the rights and obligations of the non-Muslim

minority, the Jews. Article number 30 stated that the Jews are an independent nation living among Muslims. These Jews have their religion and Muslims have theirs.

Article number 49 stated, "They (the Jews) are to support one another against any one who fights the people of this declaration." Article number 59, "They (the Jews) are to support one another against whoever attacks Yathrib (i.e. Al-Madînah), which is the core of the Islamic State". Article number 63 stated, "Jews shall continue to enjoy the right to possess property and control their internal affairs, just as Muslims, with mutual righteousness between the people of this declaration".

Thus, the basic tenet for Muslim treatment of non-Muslim subjects in the Islamic State upholds that "they enjoy the same rights we enjoy and they have the same duties we have"[1].

Misinterpreting some Qur⊃ânic verses which deal with loyalty and Barâ' (disavowing the non-Muslims) leads to the assumption that the verses asking Muslims to assume attitudes of friendship, righteousness and tolerance contradict those calling for loyalty, Barâ', Jihâd (when it means fighting). Such verses are specific to warriors and do not apply to those living in peace.

The Prophet (peace be upon him) warned against distorting meanings and seeking contradictions in ⊃Allâh's words, whether from the Qur⊃ân or the sunnah. On one occasion, the Prophet (peace be upon him) heard some people arguing, mentioning verses from the Qur⊃ân that apparently contradicted each other. To this he said, "Verily, what caused those who came before you to perish was this. They made (verses from) the Qur⊃ân contradict each other, while in actual fact, the verses of ⊃Allâh were revealed

[1] *Badâ'I' As-Sanâ'I'*, Al-Kâsâny, vol. 7, p. 100; *Ahkâm Ahlidh-Dhimmah*, Ibnul-Qayyim, ed. P.Sobhy Al-Saleh, p. 48; Dâr Al-'Ilm Lilmalâyîn, Beirut 1964.

to verify each other. So, do not seek verses to belie one another..."[2]

It seems that some Muslims are not aware that our Muslim Jurists have said: "Fighting non-Muslims is dependant on their attacking Muslims. None is to be killed just for being a disbeliever." Do these people not know that Ibn Taimiyah a great Scholar of Islam, clearly states: "Allowing Muslims to wage war is based on others waging war"?

Multi-Pluralism in Islam

Those who have not embraced Islam are not coerced to abide by its judgments, which differ with the rulings of their religion, unless they willfully seek to have Islamic judgment applied.

ᵓAllâh says:

﴿ سَمَّـٰعُونَ لِلْكَذِبِ أَكَّـٰلُونَ لِلسُّحْتِ ۚ فَإِن جَآءُوكَ فَٱحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۖ وَإِن تُعْرِضْ عَنْهُمْ فَلَن يَضُرُّوكَ شَيْـًٔا ۖ وَإِنْ حَكَمْتَ فَٱحْكُم بَيْنَهُم بِٱلْقِسْطِ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٤٢﴾ ﴾

which means, "Constant listeners to lies, constant eaters of illicit gain, so in case they come to you, then judge between them or veer away from them; and in case you veer away from them, then they will never harm you anything; and in case you judge, then judge with equity between them. Surely ᵓAllâh loves the equitable." (ᵓAl-Mâᵓidah, 5:42)

In fact, many hypocrites embraced Islam during the life of the prophet (peace be upon him), and publicly demonstrated their allegiance to their new faith by joining the Islamic community. Although these people apostatized with their hearts, they

[2] Recorded by Ahmad, *Al-Musnad*, vol. 4, p. 495.

remained under the banner of the State as long as they did not take arms against it. One such example is the insincere man who revealed his hypocrisy when he objected to the way the Prophet (peace be upon him) divided the booty of Hawâzin. The man came forward and cried, "Be just, Muhammad!" The Prophet (peace be upon him) said to him, "Woe unto you! Who is just if I am not just! I would fail and lose if I am not just."[3] Even before the advent of Islam, Muhammad was known to his people for his integrity, honesty and evenhandedness; hence this man's words were out of place, and showed great disrespect of the man whom ᵓAllâh had chosen to carry His final message to mankind. They came from the mouth of a man who had no true faith in ᵓAllâh's message or messenger.

Upon hearing the words of the man, 'Umar bin Al-Khaṯṯâb (may ᵓAllâh be pleased with him) stood up and said, "O Messenger of ᵓAllâh! Shall I slay that hypocrite?" But the Prophet (peace be upon him) declined. He can believe in his heart what he wishes, but his outward allegiance to Islam means he deserves the rights of his fellow Muslims.

Islam came as the only religion that not only accepted the presence of its enemies, but also guarded their rights although those non-Muslims deny Islam. ᵓAllâh, the Exalted, has founded the universe on the basis of multi-plurality and diversity. Consider the following examples of this wondrous diversity:

1. ᵓAllâh has created the universe and all creatures to display great variety, even when life forms show patterns of similarity. There is no one shape to any of ᵓAllâh's creations. This is among His signs as the Lord of the universe.

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[3] Recorded by Aẖmad, *Al-Musnad*, vol. 3, p. 56, pp. 353-355.

2. There is multi-plurality in and nationalities. The Qur⊃ân mentions such multiplicity as one of ⊃Allâh's signs:

﴿ وَمِنْ ءَايَٰتِهِۦ خَلْقُ ٱلسَّمَٰوَٰتِ وَٱلْأَرْضِ وَٱخْتِلَٰفُ أَلْسِنَتِكُمْ وَأَلْوَٰنِكُمْ ۚ إِنَّ فِى ذَٰلِكَ لَءَايَٰتٍ لِّلْعَٰلِمِينَ ﴿٢٢﴾ ﴾

"And of his signs is the creation of the heavens and the earth and the differences of your tongues and colors. Surely in that are indeed signs for knowledgeable men." (⊃Ar-Rûm, 30:22)

3. There is also multi-plurality in races and tribes, a distinction mentioned in the Glorious Qur⊃ân. The purpose of such variety in race is for people to get mutually acquainted, not for them to seek ways to mock or bully those who are different. ⊃Allâh says:

﴿ يَٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقْنَٰكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوٓا۟ ۚ إِنَّ أَكْرَمَكُمْ عِندَ ٱللَّهِ أَتْقَىٰكُمْ ۚ إِنَّ ٱللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٣﴾ ﴾

which means, "O you mankind, surely We created you of a male and a female, and We have made you races and tribes that you may get mutually acquainted. Surely the most honorable among you in the Providence of ⊃Allâh are the most pious; surely ⊃Allâh is Ever-Knowing, Ever-Cognizant." (⊃Al-Hujurât, 49:13)

4. There is also multiplicity in laws and cultures. ⊃Allâh says:

﴿ وَلَوْ شَآءَ رَبُّكَ لَجَعَلَ ٱلنَّاسَ أُمَّةً وَٰحِدَةً ۖ وَلَا يَزَالُونَ مُخْتَلِفِينَ ﴿١١٨﴾ إِلَّا مَن رَّحِمَ رَبُّكَ ۚ وَلِذَٰلِكَ خَلَقَهُمْ ...﴿١١٩﴾ ﴾

which means, "And if your lord had (so) decided, he would indeed have made mankind one nation; and they do not cease differing (among themselves). Excepting the ones on whom your lord has mercy, and he created them for that (end)." (Hûd, 11:118-119)

And he says,

﴿ ...لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَآءَ ٱللَّهُ لَجَعَلَكُمْ أُمَّةً وَٰحِدَةً وَلَٰكِن لِّيَبْلُوَكُمْ فِى مَآ ءَاتَىٰكُمْ ۖ فَٱسْتَبِقُوا۟ ٱلْخَيْرَٰتِ ۚ إِلَى ٱللَّهِ مَرْجِعُكُمْ جَمِيعًا ... ﴾

which means, "To every one of you We have made a legislation and a program. And if ⊃Allâh had so decided, He would indeed have made you one nation; but (He did not) that He may try you in what He has brought you. So race with each other in the charitable (deeds); to ⊃Allâh will be your return, altogether." (⊃Al-Mâ⊃idah, 5:48)

5. Considerable variety was also seen among the subjects of the early Islamic State during the lifetime of the Messenger of ⊃Allâh (peace be upon him).

   Among the Muslim tribes, there were many factions, similarly so for the Jewish tribes. The Declaration contained the rights of all subjects, their obligations, and how they were expected to maintain relations with one another. Whether for Jews, Christians or people of other faiths, the principle is the same. Under Muslim rule they live together as one nation. Solidarity, support, exchange of advice, and righteousness are among their characteristics. When disagreements or disputes arise, Muslims refer to the Qur⊃ân and Sunnah to resolve them.

6. The unity of the Muslim nation underwent various political divisions, which almost led to the use of weapons in struggles. An example of this is found in the "great ordeal struggles" during the time of the rightly guided Caliphs. However, such disagreement did not mean that anyone was to be excluded from the nation. Moreover, it did not hinder cooperation among the different parties, nor the establishment of the rights of others. Thus, the fourth caliph 'Aly (may ᵓAllâh be pleased with him) established the rights of his dissidents, the most important being freedom of expression without the use of arms. He also stated that he would not start a fight with them as long as they did not start a fight and he would not deprive them of their social rights.

   'Aly (may ᵓAllâh be pleased with him) declared these rights to the Kharijites who pronounced him a disbeliever and took up arms against him. Such rights formed the Islamic constitution governing the treatment of opposition, even if such opposition does not approve of the Caliph's judgment and declared it lawful to shed his blood in execution.

The Islamic solution to the problem of difference in religion is the coexistence between all in the same world. It is ᵓAllâh Who will gather people on the Day of Resurrection and judge between them in all matters of difference.

ᵓAllâh says:

﴿ وَلَوْ شَآءَ رَبُّكَ لَءَامَنَ مَن فِى ٱلْأَرْضِ كُلُّهُمْ جَمِيعًا ۚ أَفَأَنتَ تُكْرِهُ ٱلنَّاسَ حَتَّىٰ يَكُونُوا۟ مُؤْمِنِينَ ﴿٩٩﴾ ﴾

which means, "And if your Lord had (so) decided, whoever is in the earth would indeed have believed, all of them, altogether. Would you then compel mankind until they are believers?" (Yûnus, 10:99)

And He says:

﴿ ...لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَاءَ ٱللَّهُ لَجَعَلَكُمْ أُمَّةً وَاحِدَةً... ﴿٤٨﴾ ﴾

which means, "To every one of you We have made a legislation and a program. And if ᵓAllâh had so decided, he would indeed have made you one nation." (ᵓAl-Mâᵓidah, 5:48)

The Exalted also says:

﴿ وَإِن جَٰدَلُوكَ فَقُلِ ٱللَّهُ أَعْلَمُ بِمَا تَعْمَلُونَ ﴿٦٨﴾ ٱللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ ٱلْقِيَٰمَةِ فِيمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ ﴿٦٩﴾ ﴾

which means, "And in case they dispute with you, then say, "ᵓAllâh knows best whatever you do." ᵓAllâh will judge between you on the Day of the Resurrection concerning that wherein you used to differ." (ᵓAl-Hajj, 22:68-69)

Moreover, Islam teaches people the manners and etiquette of conversation with those of different beliefs. When Muslims are aggressively attacked for worshipping idols and believing in One God, They are not to answer in the same tone, but with the mildest of manners. ᵓAllâh says:

﴿ قُل لَّا تُسْـَٔلُونَ عَمَّآ أَجْرَمْنَا وَلَا نُسْـَٔلُ عَمَّا تَعْمَلُونَ ﴿٢٥﴾ قُلْ يَجْمَعُ بَيْنَنَا رَبُّنَا ثُمَّ يَفْتَحُ بَيْنَنَا بِٱلْحَقِّ وَهُوَ ٱلْفَتَّاحُ ٱلْعَلِيمُ ﴿٢٦﴾ ﴾

which means, "Say, "You will not be questioned about whatever crimes (we committed), nor will we be questioned about

whatever you do." Say, "Our Lord will gather us together; thereafter He will arbitrate between us with the Truth, and He is the Superb Arbiter, the Ever Knowing." (Saba⊃, 34:25-26)

Instead, Islam orders Muslims to cooperate and help one another in righteousness and goodness for all mankind, even when attacked. When the Tribe of the Quraish prevented Muslims from carrying out Hajj rituals in the House of ⊃Allâh, this verse was revealed:

﴿ ...وَلَا يَجْرِمَنَّكُمْ شَنَـَٔانُ قَوْمٍ أَن صَدُّوكُمْ عَنِ ٱلْمَسْجِدِ ٱلْحَرَامِ أَن تَعْتَدُوا۟ ۘ وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا۟ عَلَى ٱلْإِثْمِ وَٱلْعُدْوَٰنِ ...۝٢ ﴾

which means, "And do not let antagonism of a people who barred you from the Inviolable Mosque provoke you to transgress. And help one another to benignancy and piety, and do not help one another to vice and hostility." (⊃Al-Mâ⊃idah, 5:2)

Treating Peaceful Non-Muslims and the Prophet's Messages

Reference to the biography of the Prophet (peace be upon him), reveals that he had cordial relations with other countries and their rulers. After the truce with the disbelievers of Makkah, the Prophet (peace be upon him) sent messages to rulers and kings to call them to Islam. Such messages illustrate his treatment of the peaceful among them. Below are some examples of the gentle simplicity with which ⊃Allâh's great messenger approached the rulers of various nations[4].

His messages to Khosrau and Heraclius:

"In the Name of ⊃Allâh, the Most Gracious, the Most Merciful.

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[4] See, *As-Sîrah Al-Halabiyyah*, vol. 3, p. 280; Ibn Sa'd, *At-Tabaqât Al-Kubrâ*, vol. 1, p. 260; and Al-Maqrîzy, *Khutat*, vol. 1, p. 29.

(This message is) from Muhammad, the Messenger of ⁼Allâh to Khosrau the Great, King of Persia. Peace be upon those who follow the guidance, and believe in ⁼Allâh and His Messenger, and upon those who testify that there is no god but ⁼Allâh; the Only One Who has no partners, and who testify that Muhammad is His servant and Messenger. I invite you to ⁼Allâh, for I am His Messenger to all mankind. My words give heed to he who is alive [i.e. who thinks, feels, listens], that these words may testify against he who chooses to disbelieve. Embrace Islam and you will be saved but if you refuse, you will bear the sins of the Magi. (i.e. he will bear the sins of his subjects, who follow his faith)"[5]

The message did not include: If you do not embrace Islam, then you will have to pay Jizyah (a head-tax imposed on non-Muslims living under Muslim rule) or fight against us. This denotes that choosing between paying Jizyah and fighting was only to those engaged in actual warfare. Similarly, the message of the Prophet (peace be upon him) to Heraclius, Emperor of the Byzantine Empire, did not impose such conditions, that he either embraces Islam or pays Jizyah and fights. It simply states:

"In the name of ⁼Allâh, the Most Gracious, the Most Merciful.

(This message is) from Muhammad bin 'Abdullâh (son of 'Abdullâh) to Heraclius, the ruler of Byzantine. Peace be upon those who follow the guidance. I invite you to Islam. Embrace Islam and you will be saved, and ⁼Allâh will double your reward, but if you refuse, you will bear the sins of the Arîsiyyîn (peasants who are under his rule[6]). (⁼Allâh says,)

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[5] See, *As-Sîrah Al-Halabiyyah*, vol. 3, p. 277; *As-Sîrah Al-Nabawiyyah Hâmish Al-Halabiyyah*, vol. 3, p. 65; Al-Ya'qûby, *Târîkh*, vol. 2, p. 61.

[6] See, *As-Sîrah Al-Halabiyyah*, vol. 3, p. 275; the wordings are his; recorded by Ahmad, *Al-Musnad*, vol. 1, p. 263; Ibn 'Asâkir, *Târîkh*, vol. 1, p. 140.

﴿ قُلْ يَـٰٓأَهْلَ ٱلْكِتَـٰبِ تَعَالَوْا۟ إِلَىٰ كَلِمَةٍ سَوَآءٍۭ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا ٱللَّهَ وَلَا نُشْرِكَ بِهِۦ شَيْـًٔا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّن دُونِ ٱللَّهِ ۚ فَإِن تَوَلَّوْا۟ فَقُولُوا۟ ٱشْهَدُوا۟ بِأَنَّا مُسْلِمُونَ ﴿٦٤﴾ ﴾

which means, "Say, "O population of the Book, come to a level word between us and you, that we worship none except ⊃Allâh, and that we do not associate anything with Him, and that some of us do not take to themselves others as lords, apart from ⊃Allâh." so, in case they turn away, then say, "Bear witness that we are Muslims." (⊃Âl-cImrân, 3:64)"

The same words are used in the message of the Prophet (peace be upon him) to Al-Muqawqas, ruler of Coptic Church in Egypt. The message did not include any mention of paying Jizyah or fighting. Here is its exact wording:

"In the Name of ⊃Allâh, the Most Gracious, the Most Merciful.

(This message is) from Muhammad bin 'Abdullâh to Al-Muqawqas the ruler of the Coptic Church in Egypt. Peace be upon those who follow the guidance. I invite you to Islam. Embrace Islam and you will be saved and ⊃Allâh will double your reward, but if you refuse, you will bear the sins of the Copts. (⊃Allâh says,)

﴿ قُلْ يَـٰٓأَهْلَ ٱلْكِتَـٰبِ تَعَالَوْا۟ إِلَىٰ كَلِمَةٍ سَوَآءٍۭ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا ٱللَّهَ وَلَا نُشْرِكَ بِهِۦ شَيْـًٔا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّن دُونِ ٱللَّهِ ۚ فَإِن تَوَلَّوْا۟ فَقُولُوا۟ ٱشْهَدُوا۟ بِأَنَّا مُسْلِمُونَ ﴿٦٤﴾ ﴾

which means, "Say, "O population of the Book, come to a level word between us and you, that we worship none except ⊃Allâh, and that we do not associate anything with Him, and that some of

us do not take to themselves others as lords, apart from ᵓAllâh." so, in case they turn away, then say, "Bear witness that we are Muslims." (ᵓÂl-ᶜImrân, 3:64)"

Conquests and the Treatment of Warriors

This was the way the Prophet (peace be upon him) dealt with peaceful countries, which did not resort to arms. He just invited them peacefully to embrace Islam and when they refused, he did not entail any hostile action, as clear in these messages. On the other hand, when Heraclius, the Byzantine Emperor, made preparations for attacking Al-Madînah, his army gathered for that reason and when they killed Al-Hârith bin 'Amr Al-Azdy, the messenger of the Prophet (peace be upon him) to the King of Basra in the city of Mu'tah, the Prophet (peace be upon him) sent them an army. The army engaged with the Byzantine army in the Battle called Mu'tah where the three Muslim commanders, Zaid bin Al-Hârithah, Ja'far bin Abu Tâlib and 'Abdullâh bin Rawâhah, were martyred.

When Khâlid bin Al-Walîd was in charge of the army, he retreated and took it back to Al-Madînah.

Heraclius mobilized troops in Al-Balqâ' near Damascus in an attempt to enter Al-Madînah. He conquered other cities like Lakhm and Judhâm. Thereupon, the Prophet (peace be upon him) led an army which was called Al-'Usrah Army. The weather was so hot, equipment was so little, and the three warriors took turns on one riding camel. When the Prophet (peace be upon him) reached Tabûk, he sent to Heraclius the massage declaring war, which read, "(This message is) from Muhammad, the Messenger of ᵓAllâh to the Byzantine Emperor. I invite you to embrace Islam. If you do, you will enjoy the same rights as Muslims and will have the same obligations as them, but if you refused, you will have to pay Jizyah. ᵓAllâh, Glorified and Exalted be He, says,

﴿ قَـٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْـَٔاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ ﴿٢٩﴾ ﴾

which means, "Fight the ones who do not believe in ᵓAllâh nor in the Last Day, and do not prohibit whatever ᵓAllâh and his Messenger have prohibited, and do not practice the religion of Truth-from among the ones to whom the Book was brought-until they give the tax out of hand and have been belittled." (ᵓAt-Tawbah, 9:29)"

This message bears the meaning of waging war against them, which was not mentioned in the previous message when they both parties were at peace.

This verse was revealed after Heraclius had betrayed Muslims. He claimed that he had embraced Islam while he was mobilizing the army twice to attack Al-Madînah. Thus, ᵓAllâh gave His Orders of fighting them till they pay Jizyah. That was the reason the Prophet (peace be upon him) sent this second message to Heraclius. The first was a message of peace that did not include any mention of paying Jizyah while the latter included the above-mentioned verse.

Conquests in Persia

We have seen that the reason behind Muslim conquests in Byzantine was the intention of the Byzantines to attack Al-Madînah, the capital of the Islamic State. The ruler of Persia Khosrau responded with as much arrogance to Muhammad's (peace be upon him) call to Islam. The Prophet (peace be upon him) sent a message-bearer with a message that began as follows:

"(This message is) from Muhammad, the Messenger of ᵓAllâh to Khosrau, ruler of Persia." Upon hearing the name of the Prophet (peace be upon him) mentioned before his own, Khosrau was enraged. He took hold of the message and tore it up, saying, "(How dare) he write to me in this manner, while he is my slave!" Then, he ordered that the message-bearer be taken out, and immediately gave orders to have the Prophet (peace be upon him) captured When the message-bearer returned to the Prophet (peace be upon him) and described the incident, the blessed Prophet (PBUH) invoked ᵓAllâh against this nation, that it be reduced to dust. He said: "O ᵓAllâh! Disperse his Kingdom![7]"

Khosrau sent two of his soldiers from Yemen to capture the Prophet (peace be upon him) with the intention of driving him to Ctesiphone for his trial and murder. After one day with these soldiers, the Prophet (PBUH) informed them that Khosrau's son had killed his father that night. The two soldiers hurriedly returned to Yemen. When the news was confirmed, and when the new ruler Bâdhân took over, he converted to Islam and the people of Yemen embraced Islam along with him.

The example of the Persians and Byzantines quite clearly demonstrates that Muslims never took the first move to start a war. ᵓAllâh says:

﴿ وَقَٰتِلُوا۟ فِى سَبِيلِ ٱللَّهِ ٱلَّذِينَ يُقَٰتِلُونَكُمْ وَلَا تَعْتَدُوٓا۟ ۚ إِنَّ ٱللَّهَ لَا يُحِبُّ
ٱلْمُعْتَدِينَ ﴿١٩٠﴾ ﴾

which means, "And fight in the way of ᵓAllâh the ones who fight you, do not transgress; surely ᵓAllâh does not love the transgressors." (ᵓAl-Baqarah, 2:190)

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[7] See, Ibn Al-Athîr, *Al-Kâmil*, vol. 2, p. 80; Al-Ya'qûby, *Tâîkh*, vol. 2, p. 61; *At-Tabaqât Al-Kubrâ*, vol. 1, p. 259; *As-Sîrah Al-Halabiyyah*, vol. 3, p. 71.

Jurists have agreed that as Muslims, we should only fight non-Muslims if they attack us. Non-Muslims at the time of the Prophet were killed for this reason only, and not for being disbelievers. Moreover, even at the height of warfare, the Prophet (peace be upon him) forbade Muslims from killing those not fit for or engaged in fighting. He said, "Do not kill a very old man, a child or a woman."[8]

We have already quoted Ibn Taimiyah, as saying, "Allowing Muslims to wage war is based on others waging war."[9]

His student, Ibnul-Qayyim, adds, "Fighting was made obligatory for Muslims against those who started fighting, not those who did not."

And again we remember that ⊃Allâh says:

﴿ وَقَٰتِلُوا۟ فِى سَبِيلِ ٱللَّهِ ٱلَّذِينَ يُقَٰتِلُونَكُمْ وَلَا تَعْتَدُوٓا۟ ۚ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلْمُعْتَدِينَ ﴿١٩٠﴾ ﴾

which means, "And fight in the way of ⊃Allâh the ones who fight you, do not transgress; surely ⊃Allâh does not love the transgressors." (⊃Al-Baqarah, 2:190)"

Jurists also mentioned that Muslims fought against the Byzantines after ⊃Allâh revealed His Orders to fight against them[10]. ⊃Allâh says,

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[8] Recorded by Al-Baihaqy, *Sunan*, vol. 9, p. 90; and by Abu Dâwûd, *Sunan*, vol. 3, p. 52.

[9] *Risâlatul-Qitâl*, p. 118.

[10] Ibnul-Qayyim, *Zâdul-Ma'âd*, vol. 2, p. 58; Al-Zahîly, *Al-'Ilâqât Ad-Dawliyyah*, p. 115.

﴿ قَٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْءَاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَٰغِرُونَ ﴿٢٩﴾ ﴾

which means, "Fight the ones who do not believe in ᵓAllâh nor in the Last Day, and do not prohibit whatever ᵓAllâh and his Messenger have prohibited, and do not practice the religion of truth-from among the ones to whom the Book was brought-until they give the tax out of hand and have been belittled." (ᵓAt-Tawbah, 9:29)

It is also known that the battle of Mu'tah with the Byzantines was because of their murder of the Prophet's messenger; Al-H̲ârith bin 'Amr Al-Azdy, while the Battle of Tabûk was in response Heraclius mobilizing his troops near Damascus to attack Al-Madînah. When the Prophet (peace be upon him) reached Tabûk and the Byzantine troops retreated, treaties were reached with the Arab emirates, and the army returned to Al-Madînah. However, the Byzantines response to the treaty was more betrayal; they killed the ruler of Ma'ân and sieged Al-Madînah. The Prophet (peace be upon him) was asked for help in accordance with the treaty. Upon that, he prepared an army led by Usâmah bin Zaid. When the Prophet (peace be upon him) died, his successor carried forth the task. This is how war was waged with the Byzantines.[11]

Conquests in Byzantine

The Prophet (peace be upon him) made peace with the disbelievers of Makkah towards the end of the sixth Hegira year. It was known as Al-H̲udaibiyah Treaty.

[11] Ibn Al-Athîr, *Al-Kâmil*, vo. 2, p. 80; and Al-Khud̲ary, *Nûrul-Yaqîn*, p. 210.

After that, he sent messengers to tribes, kings, and rulers inviting them to Islam and conveying to them the commands of Almighty ᵓAllâh. This was during the seventh year of Hegira.

1. He sent his companion 'Amr bin Umayyah Ad-Damary to Negus, King of Abyssinia, who took the message, read it intently, left his thrown and sat down on the ground as a sign of humbleness.

2. Prophet Muhammad sent Dihyah bin Khalîfah Al-Kalby to Heraclius. ᵓAllâh the Almighty speaks of this visit:

   ﴿ قُلْ يَٰٓأَهْلَ ٱلْكِتَٰبِ تَعَالَوْا۟ إِلَىٰ كَلِمَةٍ سَوَآءٍۭ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا ٱللَّهَ وَلَا نُشْرِكَ بِهِۦ شَيْـًٔا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِّن دُونِ ٱللَّهِ ۚ فَإِن تَوَلَّوْا۟ فَقُولُوا۟ ٱشْهَدُوا۟ بِأَنَّا مُسْلِمُونَ ﴿٦٤﴾ ﴾

   which means, "Say, "O population of the Book, come to a level word between us and you, that we worship none except ᵓAllâh, and that we do not associate anything with Him, and that some of us do not take to themselves others as lords, apart from ᵓAllâh." so, in case they turn away, then say, "Bear witness that we are Muslims." (ᵓÂl-ᶜImrân, 3:64)"

   When Heraclius read the message, he said to his retinue and advisors, "O people of Byzantine! What would you say to success, guidance, having your kingdom, and following the words of 'Îsâ bin Maryam (Jesus son of Mary Peace be upon him)?" They asked, "How would that be?" He said, "Follow this Arabian messenger." They rose against him and held the Cross. Upon that, he feared for himself and his kingdom and retracted his words saying, "I only wished to test the strength of your faith."

Then, he summoned Dihyah Al-Kalby and gave him the impression that he had converted to Islam. He also sent some gold coins to the Prophet (peace be upon him) as a present.

When Dihyah arrived in Al-Madînah, he gave the coins to the Prophet (peace be upon him) and told him that Heraclius embracing Islam. But Jibrîl (Gabriel, peace be upon him) has already informed the Prophet (peace be upon him) of the truth. The Prophet (peace be upon him) said to Dihyah, "He has deceived you and lied." Then he ordered the coins to be distributed among the poor.

3. He sent Hâtib bin Abu Balta'ah to Al-Muqawqas, ruler of Coptic Church in Egypt. Hâtib was respectfully received. The Coptic ruler, however, did not embrace, but neither did he deceive or attack the Muslims. He sent some gifts to the Prophet (peace be upon him): clothes for him to wear, a mule to ride and two slave-girls among the best in Egypt to serve him. As a way of appreciating his friendly attitude, the Prophet (peace be upon him) accepted the gifts.
4. He sent Al-'Alâ' bin Al-Hadramy with a message to the King of Bahrain; Al-Mundhir bin Sâwâ who accepted it, converted to Islam and shared it with his people. Some of them converted to Islam while the others remained Jews or Magi. Al-Mundhir sought the Prophet's opinion regarding those who refused to embrace Islam. The Prophet (peace be upon him) wrote to him saying, "Whosoever remains a Jew or a Magian should pay Jizyah (a head-tax imposed on non-Muslims living under Muslims' control)."[12] But, whoever embraces Islam should

[12] Recorded by Al-Wâqidy; and Ibn Hishâm, *As-Sîrah An-Nabawiyyah*, vol. 3, p. 380.

pay Zakâh (obligatory charity), which is many times greater than the Jizyah.

5. He sent Al-Hârith bin 'Umair Al-Azdy to the head of Byzantines in Basra; Shurahbîl bin 'Amr Al-Ghassâny who was so proud that he arrested Al-Hârith Al-Azdy, tied him up with ropes and killed him. When the Prophet (peace be upon him) was informed of that, he sent an army led by the three commanders; Zaid bin Hârithah, Ja'far bin Abu Tâlib and 'Abdullâh bin Rawâhah who took turns in leading the army. The Prophet (peace be upon him) told the Companions who stayed at Al-Madînah that Muslims reached Al-Balqâ' and engaged in battle with Heraclius's army. The army consisted of Byzantines and Arabs siding with Byzantines in a village of Al-Blaqâ' called Mashârif. Then, Muslims took refuge in a village called Mu'tah whose name was used in naming the battle. Zaid fought till he was killed. Ja'far took the banner and fought till his right hand was cut off. Upon that he held the banner with his left hand and fought till it was cut off too and he was martyred. ⊃Allâh granted him instead two wings in Paradise with which he can fly wherever he wishes. Then, 'Abdullâh bin Rawâhah took the banner till he was martyred too. This was the account narrated by the Prophet (peace be upon him).

Muslims chose Khâlid bin Al-Walîd to be their leader. When he misled the Byzantines to thinking he retreated to Al-Madînah, young (Muslim) men threw dust in his face and said, "You ran away." Upon that the Prophet (peace be upon him) said, "And yet they will attack with the Permission of ⊃Allâh."

Khâlid's retreat with the army was just a trick to give the Muslims a chance to get ready and to give him time to write to the Prophet (peace be upon him) to send him soldiers and orders.

The Prophet (peace be upon him) led an army in the ninth year of Hegira known as Al-'Usrah Army, for the weather extremely hot and weapons and provisions very meager. Heraclius, the Byzantine Emperor who had tried before to deceive the prophet (peace be upon him) using some gifts and by pretending to embrace Islam, took advantage of these hardships. He camped with almost one hundred thousand Byzantine soldiers and one hundred soldiers from Arab tribes who had allied with the Byzantines. The Prophet (peace be upon him) came leading an army of thirty thousand Muslims. This was the biggest Muslim army ever to fight.

When Muslims reached Tabûk, they found that the Byzantines had retreated and were separated. Thus, the Prophet (peace be upon him) made peace with the Arabs who were used by the Byzantines against the Arabs of the Peninsula. The people of Ailah, Adhra', Taimâ', Dawmatul-Jandal and Ma'ân Tribes all entered into the pledge with the Muslims.

The Byzantines learned of the pledge and of the ruler of Ma'ân, a man name Farwah bin 'Amr Al-Judhâmy embracing Islam. Heraclius promptly prepared a great army led by the famous Theodore. He gave orders that the ruler of Ma'ân be killed along with his wife, for embracing Islam. Farwah was killed, and his crucified body was left for many days after to terrorize whoever embraced Islam. Heraclius's orders stated that Ma'ân was the gate of Shâm (Region covering Jordan, Lebanon, Palestine and Syria) leading to the Arabian Peninsula.

He also ordered his commander to make use of the Arabs of Ma'ân, Ailah, Adhra' and Jarbâ' in distracting Muslims in battle, for if they killed as many Muslims as possible, it would be easier for the Byzantine army to eradicate them.

The Prophet's (peace be upon him) Arab allies appealed to him for help, and he responded by preparing an army led by Usâmah

bin Zaid to attack the Byzantine Empire. His wanted to prevent the Byzantines from fighting Muslims and attacking their allies. The Prophet (peace be upon him) died in his home in Al-Madînah shortly after the army set off.

Abu Bakr (may ᵓAllâh be pleased with him) completed the mission after the death of the Prophet (peace be upon him). At the same time, Abu Bakr sent another army to fight the Persians who were making preparations to attack Muslims, after having failed to capture the Prophet (peace be upon him) and put him to trial.

Social Relations with Non-Muslims:

Muslims do not have problems forming relations with non-Muslims; if non-Muslims deny Islam and the rights of Muslims, Islam neither denies previous religions nor the rights of others. Islam based relations between Muslims and non-Muslims on peaceful coexistence. ᵓAllâh says,

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٨﴾ ﴾

which means, "ᵓAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ᵓAllâh loves the equitable." (ᵓAl-Mumtahanah, 60:8)

Islam acknowledges non-Muslims and their right to choose not to become Muslims, since ᵓAllâh has laid down that approval and conviction, are necessary in order to embrace Islam. ᵓAllâh, the Exalted and ever Majestic forbids any kind of compulsion or pressure. He says:

﴿ لَآ إِكْرَاهَ فِى ٱلدِّينِ ۖ قَد تَّبَيَّنَ ٱلرُّشْدُ مِنَ ٱلْغَىِّ ...﴿٢٥٦﴾ ﴾

which means, "There is no compulsion in the religion; right-mindedness has already been evidently (distinct) from misguidance." (ᵓAl-Baqarah, 2:256)

This verse clearly shows that it is forbidden to force anyone to embrace Islam; there are other verses in the Qurᵓân, either revealed early in Makkah or later in Al-Madînah periods that carry the same meaning. ᵓAllâh says:

﴿ ٱدْعُ إِلَىٰ سَبِيلِ رَبِّكَ بِٱلْحِكْمَةِ وَٱلْمَوْعِظَةِ ٱلْحَسَنَةِ ۖ وَجَٰدِلْهُم بِٱلَّتِى هِىَ أَحْسَنُ ۚ إِنَّ رَبَّكَ هُوَ أَعْلَمُ
بِمَن ضَلَّ عَن سَبِيلِهِۦ ۖ وَهُوَ أَعْلَمُ بِٱلْمُهْتَدِينَ (١٢٥) ﴾

which means, "Call (this is addressed to the Prophet) to the way of your Lord with wisdom and fair admonition, and dispute with them in the way (which is) fairest. Surely your Lord is The Best Knower of the ones who have erred away from His way, and He is The Best Knower of the right-guided." (ᵓAn-Nahl, 16:125)

This general judgment does not contradict with verses concerned with fighting non-Muslims, for we have seen that the latter verses are for specific situations and should not be generalized. This is also the case with the honorable hadîths concerned with fighting people until they embrace Islam. As ᵓAllâh the Exalted says:

﴿ فَإِذَا ٱنسَلَخَ ٱلْأَشْهُرُ ٱلْحُرُمُ فَٱقْتُلُوا۟ ٱلْمُشْرِكِينَ حَيْثُ وَجَدتُّمُوهُمْ وَخُذُوهُمْ
وَٱحْصُرُوهُمْ وَٱقْعُدُوا۟ لَهُمْ كُلَّ مَرْصَدٍ ۚ فَإِن تَابُوا۟ وَأَقَامُوا۟ ٱلصَّلَوٰةَ وَءَاتَوُا۟ ٱلزَّكَوٰةَ
فَخَلُّوا۟ سَبِيلَهُمْ ۚ إِنَّ ٱللَّهَ غَفُورٌ رَّحِيمٌ (٥) ﴾

which means, "So, when the prohibiting months are drawn away, (literally: stripped away) then kill the associators wherever you find them, and take them, and detain them, and sit (in wait) for them at every place of observation (i.e. ambush). But, in case they repent, and keep up the prayer, and bring the Zakât, (i.e. pay the

obligatory poor-dues) then let them go their way (literally: pass on their way); surely ᵓAllâh is Ever-Forgiving, Ever-Merciful." (ᵓAt-Tawbah, 9:5)

These words were revealed concerning people of the Arabian Peninsula on whom ᵓAllâh had chosen to reveal His message. The Glorious Qurᵓân came to them, and in their language. ᵓAllâh granted them enough time and opportunity to choose, as well as sending them concrete miracles through His Prophet (peace be upon him) alongside the miracle of the Qurᵓân. ᵓAllâh, the Exalted challenged them to come up with one chapter like the Glorious Qurᵓân. He left them for twenty years after the revelation of Qurᵓân, but they insisted on their stubbornness, arrogance, even their domination and persistent distortion of the rituals of Hajj by entering the House of ᵓAllâh naked.

It is about those Arabs that the Prophet (peace be upon him) said, "I have been ordered (by ᵓAllâh) to fight against the people until they testify that none has the right to be worshipped but ᵓAllâh and that Muhammad is Messenger of ᵓAllâh."[13]

Thus many verses and hadîths referring to fighting non-Muslims are especially concerned with Arabs in the Arabian Peninsula and not general in all cases. This is according to the hadîth recorded by scholars Al-Bukhâry and Muslim that the Prophet (peace be upon him) said, "Expel the pagans from the Arabian Peninsula." And according to what was recorded by scholars Ahmad and Muslim that the Prophet (peace be upon him) said, "I will expel the Jews and Christians from the Arabian Peninsula and will not leave any but Muslim." Al-Hâfizh said in book *Al-Fath* chapter Al-Jihad adopted from the majority of scholars that this exclusion of

[13] Recorded by Al-Bukhâry (25) and Muslim (21).

non-Muslims especially applies to the Hijâz region (Makkah, Al-Madînah and Al-Yamâmah).[14]

Verses should always be understood in context. The following verse was mentioned amid special text concerned with the Arabs of the Peninsula who held a covenant with Muslims and violated it. ᵓAllâh says:

﴿ وَإِن نَّكَثُوٓاْ أَيْمَـٰنَهُم مِّنۢ بَعْدِ عَهْدِهِمْ وَطَعَنُواْ فِى دِينِكُمْ فَقَـٰتِلُوٓاْ أَئِمَّةَ ٱلْكُفْرِ ۙ إِنَّهُمْ لَآ أَيْمَـٰنَ لَهُمْ لَعَلَّهُمْ يَنتَهُونَ ﴿١٢﴾ أَلَا تُقَـٰتِلُونَ قَوْمًا نَّكَثُوٓاْ أَيْمَـٰنَهُمْ وَهَمُّواْ بِإِخْرَاجِ ٱلرَّسُولِ وَهُم بَدَءُوكُمْ أَوَّلَ مَرَّةٍ ۚ أَتَخْشَوْنَهُمْ ۚ فَٱللَّهُ أَحَقُّ أَن تَخْشَوْهُ إِن كُنتُم مُّؤْمِنِينَ ﴿١٣﴾ ﴾

which means, "And in case they breach their oaths after their covenant, and discredit your religion, then fight the leaders of disbelief; surely they have no (binding) oaths, that possibly they would refrain. Will you not fight a people who breached their oaths and designed to drive out the Messenger, and it was they who began the first time against you? Are you apprehensive of them? Then ᵓAllâh truly has more right (on you) to be apprehensive of Him in case you are believers." (ᵓAt-Tawbah, 9:12-13)

Similarly, the following verse must be seen in context, since it refers to certain Arabs, not people in general:

﴿ ٱلَّذِينَ قَالَ لَهُمُ ٱلنَّاسُ إِنَّ ٱلنَّاسَ قَدْ جَمَعُواْ لَكُمْ فَٱخْشَوْهُمْ فَزَادَهُمْ إِيمَـٰنًا وَقَالُواْ حَسْبُنَا ٱللَّهُ وَنِعْمَ ٱلْوَكِيلُ ﴿١٧٣﴾ ﴾

[14] Ibn Qudâmah, *Al-Mughny*, vol. 8, p. 65, and Abu At-Taiyib Siddîq Al-Husiny, *'Ûn Al-Bâry li-hal adilat sahîh Al-bukhâry*, vol. 1, p. 156.

which means, "The ones to whom the multitude (literally: mankind) said, "Surely the multitude have already gathered against you, so be apprehensive of them." Yet, it increased them in belief, and they said, "ᵓAllâh is The Reckoner enough for us, and how excellent is The Ever-Trusted Trustee!" (ᵓÂl-ᶜImrân, 3:173)

All people did not say to anyone, but to Na'îm bin Mas'ûd who gathered an army to fight the Prophet (peace be upon him) and his Companions. Abu Sufyan is the one who gathered an army to fight the Prophet (peace be upon him) and his Companions and not all people. It is crucial to keep this in mind when reflecting over the hadîth mentioned earlier in which the Prophet says "I have been ordered (by ᵓAllâh) to fight against the people until they testify that none has the right to be worshipped but ᵓAllâh and that Muhammad is Messenger of ᵓAllâh."[15]

The verse that ordered the Muslims to fight those who do not believe in ᵓAllâh till they give Jizyah (head-tax) is concerned with very special group from among People of the Book. ᵓAllâh says,

﴿ قَـٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْـَٔاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ ﴿٢٩﴾ ﴾

which means, "Fight the ones who do not believe in ᵓAllâh nor in the Last Day, and do not prohibit whatever ᵓAllâh and His Messenger have prohibited, and do not practice (literally: to have as a religion) the religion of Truth-from among the ones to whom the Book was brought-until they give the tax out of hand (i.e. by a

[15] Recorded by Al-Bukhâry (25) and Muslim (21).

ready money payment, or in token of submission) and have been belittled." (ᵓAt-Tawbah, 9:29)"

When this verse was revealed, Arab Peninsula was already embraced Islam and Byzantine Christians were gathered in about one hundred fighters in order to attack Al-Madînah, and then Battle of Mu'tah happened in order to face this crowd.

Jizyah in this verse is concerned with those group from among People of the Book; those who did not believe in ᵓAllâh nor the Last Day and violated their covenant with Muslims. They acknowledged not the religion of truth and chose to fight. Their acceptance of Jizyah was not more than a way to end state of war and spare blood. Though Jizyah was never forced to them; it is a contract that stipulated their consent and not among general system that is to be imposed. "Belittled" is to accept judgment of Islam, its law, and consent to it. That is why Emir of the Believers 'Umar bin Al-Khaṯṯâb accepted protest of Christians of Taghlub against Jizyah and agreed to treat them according to system of Zakâh. Imam Ash-Shâfi'y in his book *Al-Umm* declared that if any person was included in contract of Jizyah of his parents while he was still young, he has the right when he gets older to accept this contract or refuse it.

Fighting and Peaceful Coexistence:

Islam stresses peaceful coexistence with all people, as ᵓAllâh the Creator predestined that difference would exist in creeds, laws, colors, tongues, and nations.

ᵓAllâh says:

﴿ وَلَوْ شَآءَ رَبُّكَ لَجَعَلَ ٱلنَّاسَ أُمَّةً وَٰحِدَةً ۖ وَلَا يَزَالُونَ مُخْتَلِفِينَ ﴿١١٨﴾ إِلَّا مَن رَّحِمَ رَبُّكَ ۚ
وَلِذَٰلِكَ خَلَقَهُمْ ۗ وَتَمَّتْ كَلِمَةُ رَبِّكَ لَأَمْلَأَنَّ جَهَنَّمَ مِنَ ٱلْجِنَّةِ وَٱلنَّاسِ أَجْمَعِينَ ﴿١١٩﴾ ﴾

which means, "And if your Lord had (so) decided, He would indeed have made man-kind one nation; and (i.e. but) they do not cease differing (among themselves). Excepting the ones on whom your Lord has mercy, and He created them for that (end), and perfected has been the Word of your Lord. "Indeed I will definitely fill Hell with jinn and mankind all together."(Hûd, 11:118-119)

And He says:

﴿ ...لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَآءَ ٱللَّهُ لَجَعَلَكُمْ أُمَّةً وَٰحِدَةً وَلَٰكِن لِّيَبْلُوَكُمْ فِى مَآ ءَاتَىٰكُمْ ۖ فَٱسْتَبِقُوا۟ ٱلْخَيْرَٰتِ ۚ إِلَى ٱللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُم بِمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ ﴿٤٨﴾ ﴾

"To every one of you We have made a legislation and a program. And if ᵓAllâh had so decided, He would indeed have made you one nation; but (He did not) that He may try you in what He has brought you. So race with each other in the charitable (deeds); to ᵓAllâh will be your return, altogether; so He will fully inform you of that wherein you used to differ." (ᵓAl-Mâᵓidah, 5:48)

ᵓAllâh informed us that He will judge between people on the Day of Resurrection in the matters of dispute. He did not leave it up to us to kill each other in vain over these differences especially since they are related to principles of faith and religion.

Accordingly, Islam does not deny rights of the non-Muslims, even those among them who deny Islamic law, and who deny rights of ᵓAllâh the Exalted. As ᵓAllâh reminds us, the basis of peaceful coexistence is found in the wisdom of His words:

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴾

which means, "ᴲAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ᴲAllâh loves the equitable." (ᴲAl-Mumtahanah, 60:8)

Islam not only acknowledges the rights of non-Muslims without forcing them to embrace Islam, but it even enables them to choose either to accept the judgments of Islam or to be judged by their own laws whether in personal or other affairs. This fairness is not found in major contemporary nations.

Contemporary constitutions adopt the principle of regional law and exclude issues of personal affairs, such as marriage, divorce and heritage. These are submitted to the law of the religion of spouses or that of the husband if they have different religion.

Large nations do not respect personal differences and consider their system for personal affairs sacred and above all others. Their systems are imposed on those who have other religions under the pretence that it is under the general system of the country.

Consequently, Muslims in America, Britain, France, and elsewhere are forced to submit to secular law concerning issues of marriage, divorce and heritage.

On the other hand, Sharî'ah (Islamic law) respects other religions, not only in issues of personal affairs, but in all issues related to these religions. Islam came with the intention that Sharî'ah would not subject non-Muslims to Islamic law in personal issues or transactions, and would permit non-Muslims to be judged according to their own rules. ᴲAllâh says,

﴿ ...لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا...(٤٨) ﴾

which means, "To every one of you We have made a legislation and a program."(ᵓAl-Mâᵓidah, 5:48)

And He says:

﴿ وَلْيَحْكُمْ أَهْلُ الْإِنجِيلِ بِمَا أَنزَلَ اللَّهُ فِيهِ ...(٤٧) ﴾

which means, "And let the Population of the ᵓInjîl judge according to what ᵓAllâh has sent down therein." (ᵓAl-Mâᵓidah, 5:47)

Accordingly, the third article of the constitution of Al-Madînah set that "the Jews might continue to apply their own arbitration system in internal issues." That is to say, Jews may be judged according to their own personal law previous to this constitution concerning solidarity, Diyah (blood money), and other topics. By the same token, 'Amr bin Al-'Âs established after the Conquest of Egypt special courts for Christians in which Christian judges ruled.

When Muslims moved and settled outside the Arab Peninsula, they did so to defend and safeguard human rights that were usurped by small groups of tyrants. These oppressors represented a rank that sucked people dry, depriving them of a right to live in dignity in different parts of the world. The message of Islamic jihad (fighting in the cause of ᵓAllâh) was to prevent such ranks from injustice and tyranny in order to guarantee free and safe living to mankind, and to alleviate the misery of the masses living under the authority of the ranks. In this manner people could live under a system and decree that would guarantee their happiness, and could choose the religion they wished to follow with their own free will. If they accepted the new religion, then the Muslims would make sure they did so without force or compulsion: ᵓAllâh says:

﴿ لَآ إِكۡرَاهَ فِي ٱلدِّينِۖ قَد تَّبَيَّنَ ٱلرُّشۡدُ مِنَ ٱلۡغَيِّۚ ... ﴾

which means, "There is no compulsion in the religion; right-mindedness has already been evidently (distinct) from misguidance." (Al-Baqarah, 2:256)

In the same manner that Islam did not resort to means of coercion to increase the numbers of believers, it is important to mention here that when the Muslim state spread outside the Arabian Peninsula, it was not considered a means to amass riches and empower the state at the expense of peoples of these countries. The welfare of humanity was always the driving force behind its pursuits.

Document of Rights and the Constitution of Al-Madînah:

The rise of the Islamic State in Al-Madînah immediately after the immigration of the Prophet (peace be upon him) was associated with the Prophet's (peace be upon him) establishment of a constitution which protected the rights of the people in the State, regardless of their religions or nationalities. This constitution, as we have seen, was called the Declaration or Paper, and was composed of ninety-six articles that organized the rights of all. The following are among its most important articles:

First: Jews have the same rights as Muslims; Christians were not found in Al-Madînah. This constitution did not ignore those who did not have religion, i.e. the heathen people. In Article 23, it set that "A polytheist dwelling in Al-Madînah shall not grant asylum to people or properties belonging to the polytheists of the Quraish".

Second: This article treated those polytheists as citizens having the same rights and obligations as others.

Third: This constitution did not use term of *minority* in order to indicate non-Muslims, though they were indeed a minority. It

used the term "nation" for all. It set that Jews are a nation that lived with a nation of Muslims.

Fourth: The constitution established the right of people of other religions to practice all rituals related to their religion. Moreover, all items considered valuable by non-Muslims had to be protected, and Muslims who had caused damaged to the valuables of non-Muslims were required to compensate them. This applied even if the object damaged was prohibited or of no value in Islamic Sharî'ah, such as wine or pig. This constitution also stipulated that Muslims had no right to cancel a marriage considered legal in non-Muslim law, even if this marriage is void in Islamic Sharî'ah. As an example of this, we find that Imam Ash-Shâffi'y says, 'We do not repeal any matter that they considered lawful among them, even if it is unlawful among us. If a woman from among them came to annul her marriage in our courts because she got married without witnesses, we cannot annul the marriage as long as it is considered marriage by them. But if a Muslim gets married without witnesses, our court can annul the marriage.'[16] This is because marriage without witnesses is void in Islam, but not so in other faiths.

Reality of Jihâd and Jizyah:[17]

ᵓAllâh legislated Jihâd (fighting in the cause of ᵓAllâh) in order to combat aggression and liberate mankind, in the same way that He legislated Jizyah in order to spare the blood of aggressors after putting its system.

Ibnul-Qayyim arranged the call to Jihad in his book *Zâd Al-Ma'âd* as follows:

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[16] See: Ash-Shâfi'y, *Al-Umm*, vol. 4, p. 211.

[17] Salâh Al-Munjid, *An-Nuzhum Ad-Diblûmâsiyyah fy Al-Islam*, Beirut, Dâr Al-Kitâb Al-Jadîd, 1983, pp. 105-112.

'The Prophet (peace be upon him) maintained his call to Islam, inviting people to Islam for more than ten years without fighting, and was commanded to bear, be patient, and forgive. Then he was permitted to immigrate and to fight. Then ᵓAllâh, the Exalted ordered him to fight whoever fought him and to abstain from whoever withdrew and did not fight him. After that, ᵓAllâh ordered him to fight disbelievers of the Arabian Peninsula until religion and worship were directed to ᵓAllâh alone. Disbelievers were divided after the revelation of chapter At-Tawbah (9), to three divisions: those who were fighting him, people with a covenant, and Dhimmis (non-Muslims living in and under the protection of Muslim state).'[18]

Accordingly, we can say that the legislation of Jihad passed through several phases, namely:

1. The initial call to Islam using evidence, wisdom, effective preaching, and argument in a civil, modest manner. However, people did not embrace Islam during this phase. Their attitude toward the call was an attitude of hostility and hatred. They directed all their anger toward the Prophet (peace be upon him) and his Companions, displaying every form of oppression, compulsion, torture, and blockade. Despite their rancor, ᵓAllâh ordered the believers to be patient and to forgive. ᵓAllâh says:

    ﴿ فَٱصْدَعْ بِمَا تُؤْمَرُ وَأَعْرِضْ عَنِ ٱلْمُشْرِكِينَ ﴿٩٤﴾ ﴾

    which means, "So profess openly what you have been commanded and veer away from the associators." (ᵓAl-Hijr, 15:94)

    And He says,

[18] Ibn Al-qayim, *Zâd Al-Ma'âd*, vol. 2, p. 91.

﴿ خُذِ ٱلْعَفْوَ وَأْمُرْ بِٱلْعُرْفِ وَأَعْرِضْ عَنِ ٱلْجَٰهِلِينَ ﴿١٩٩﴾ ﴾

which means, "Take to clemency, and command benevolence, and veer away from the ignorant."(⊃Al-⊃A^c^râf, 7:199)

2. The phase of defending souls using actual force. During this phase, ⊃Allâh, the Exalted and ever Majestic, permits Muslims to push back the harm of disbelievers even if this entailed using weapons and fighting against them. This phase began after the immigration of the Prophet (peace be upon him). ⊃Allâh says:

﴿ أُذِنَ لِلَّذِينَ يُقَٰتَلُونَ بِأَنَّهُمْ ظُلِمُوا۟ ۚ وَإِنَّ ٱللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ ﴿٣٩﴾ ٱلَّذِينَ أُخْرِجُوا۟ مِن دِيَٰرِهِم بِغَيْرِ حَقٍّ إِلَّآ أَن يَقُولُوا۟ رَبُّنَا ٱللَّهُ ...﴿٤٠﴾ ﴾

which means, "The ones who are (forced to) fight are permitted (to defend themselves) for that they are unjustly (attacked); and surely ⊃Allâh is indeed Ever Determiner over giving them victory. (Those) who have been driven out of their residences untruthfully except that they say, "Our Lord is ⊃Allâh."(⊃Al-Hajj, 22:39-40)

3. Repelling aggression against soul and money. It is the natural right of Muslims to protect their honor and homes. All laws of previous and present nations consider it justified wars.

   By defending the land over which they rule, Muslims are protecting their faith. Judge Abu Ya'lâ expressed this when he said, ' Defending the nation and guarding the

> boundaries [is the duty of Muslims] in order to help people lead peaceful and secure life.'[19]

And ⊃Allâh the Exalted ordered us to fight those who attack Muslims in order to prevent their aggressions and evils. ⊃Allâh says,

﴿ وَقَٰتِلُوا۟ فِى سَبِيلِ ٱللَّهِ ٱلَّذِينَ يُقَٰتِلُونَكُمْ وَلَا تَعْتَدُوٓا۟ ۚ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلْمُعْتَدِينَ ﴿١٩٠﴾ ﴾

which means, "And fight in the way of ⊃Allâh the ones who fight you, but do not transgress; surely ⊃Allâh does not love the transgressors."(⊃Al-Baqarah, 2:190)

So fighting to defend the land of Muslims is one of the aims of Jihad, and every struggle with the aim of carrying out right and preventing aggression is jihad in the cause of ⊃Allâh. The Prophet (peace be upon him) said, "He who is killed while protecting his property is a martyr, and he who is killed while defending his family, his blood, or his religion is a martyr."[20,21]

Out of ignorance, some Muslims have misunderstood the judgment of Jizyah. Those of them who have been subjected to oppression by their countries and have sought refuge in the west, have often conveyed opinions on the Jizyah that are inaccurate, based on faulty interpretations of the verse that commands Muslims to fight non-Muslims:

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[19] *Al-Ahkâm As-Sultâniyyah*, p. 11.
[20] Recorded by At-Tirmidhy, *kitâb Ad-Diyyât* (1418).
[21] Professor Wahbah Az-Zahîly, *Âthâr Al-Harb*, p. 94.

﴿ قَٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْءَاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَٰغِرُونَ ﴿٢٩﴾ ﴾

which means, "Fight the ones who do not believe in ᵓAllâh nor in the Last Day, and do not prohibit whatever ᵓAllâh and His Messenger have prohibited, and do not practice (literally: to have as a religion) the religion of Truth-from among the ones to whom the Book was brought-until they give the tax out of hand (i.e. by a ready money payment, or in token of submission) and have been belittled." (ᵓAt-Tawbah, 9:29)"

This verse was revealed concerning Byzantine. After the Prophet (peace be upon him) send messages to kings and presidents calling them to Islam, Byzantine gathered forces to fight the Prophet (peace be upon him) and Muslims in their state of Islam; Al-Madînah. And those who give legal opinion to take Jizyah from non-Muslims nowadays are ignorant of the following:

1) Jizyah is a system that existed before Islam, as a form of poll tax. In its old form, Jizyah stipulated that any country defeated in war must pay tax to the victorious country. Thomas Arnold said, 'Christians chose to pay Jizyah instead of joining military service.'[22]

2. Islam reformed the system of Jizyah. It created a reason for its application and offered something in exchange for it. Non-Muslims were exempt from having to serve for the Muslim army and were not expected to fight for the Muslims by force. Those who volunteered to participate in war with Muslims, were free from paying the Jizyah. Abu

[22] Thomas Arnold, *The Preaching of Islam*, p. 78.

'Ubaidah applied this with the people of Palestine who chose to fight; Mu'âwiyah with the people of Armenia, as did many other Muslim rulers.

3. To further reform the system, Islam made the tax cover social welfare in that it guaranteed that the payee received a social subsidy from the Public Treasury. This was achieved despite the small amount that was paid by the non-Muslim. 'Umar bin Al-Khattâb established a law that if any man from among the Dhimmis (non-Muslims living in and under the protection of a Muslim state) becomes weak and incapable of work, then he and his family is to be supported from the public treasury of Muslims.

4. Significantly, those not capable of paying the Jizyah were exempted, regardless of whether they were young or old. Jizyah in the verse is concerning with this group of the People of the Book who did not believe in Allâh nor the Last day and breached their oaths. They did not practice the religion of truth. They chose fighting and aggression. That is why their acceptance of Jizyah was not more than a way to end state of war and spare blood. Though Jizyah was never forced to them; it is a contract that stipulated their consent and not among general system that is to be imposed. "Belittled" is to accept judgment of Islam, its law, and consent to it. That is why Emir of the Believers 'Umar bin Al-Khattâb accepted protest of Christians of Taghlub against Jizyah and agreed to treat them according to system of Zakâh. Imam Ash-Shâfi'y in his book *Al-Umm* declared that if any person was included in contract of Jizyah of his parents while he was still young, he has the

right when he gets older to accept this contract or refuse it.[23]

5. The Prophet (peace be upon him) reduced its amount to one Dinar for every adult, as is mentioned in hadîth narrated by Mu'âdh bin Jabal.

6. He excused those who are engaged in fighting from paying (e.g. clergymen, women, old people, and children).[24]

7. Islam exonerated people of Jizyah from proving their inability to pay. Hence it was the duty of the Muslim ruler to judge whether or not a person could pay.[25]

8. Jizyah was not one of the obligations of Islam nor its rules. It was a contract that stipulated consent, and made room for negotiations; if no agreement was reached as to the terms of Jizyah due to its cruel name in Byzantine and Persian states and the persons in question accept to pay Zakâh like Muslims, the ruler should honor their choice after explaining to them exactly what Zakâh involves (i.e. that it is a percentage of a person's total surplus wealth, whether in money or property, that is paid annually to the poor). They should also understand that Zakâh is not obligatory for them (since it is one of the five pillars of Islam which must be fulfilled by Muslims), and that paying Jizyah is less than paying Zakâh. 'Umar bin Al-Khattâb (may Allâh be pleased with him) explained this to the Arab Christians when they protested against the Jizyah. It is also important for them to know that Zakâh can only be paid if the payee possesses the minimum amount liable to

[23] Ash-Shâfi'y, *Al-Umm*, vol. 4, p. 212, *Ahkâm Ahl Adh-Dhimmah*, Ibn Al-Qayim, ed. Subhy Sâlih, p. 691.

[24] Ibn Al-Qayim, *Ahkâm Ahl Adh-Dhimmah*.

[25] Ash-Shâfi'y, *Al-Umm*, pp. 4& 212-311.

Zakâh; for example, no payment of the Zakâh on plants, is possible if the person does not own the minimum weight of five Wasq (equals 130320 grams). Imam Ash-shâfi'y said, 'If they ask Imam of Muslims to write them a contract on condition that Jizyah will be under the terms of Zakâh, it is lawful as long as they possess sufficient money to allow them to pay Zakâh according to Islam. If they possess plants, they will not pay Zakâh until their plants reach five Wasq.[26]'

9. Jizyah is to be taken by the ruler and no one has the authority to demand it. When individuals tried to impose Jizyah, they were considered assailants of the authority of the state and were liable to questioning.
10. Under the international system, where all Islamic countries are committed to the laws of the United Nations, there is no longer such a system as the Jizyah, even when a country defeats a non-Muslim country that attacked Muslims. Since the Jizyah was a contract that stipulated consent, there is no chance for Jizyah to be applied as long as Muslim countries are committed to international policies which stipulate that all are equal in terms of paying taxes.

Minorities and Jizyah:

The Reality of Jizyah:

Jizyah is a submission to authority of one state on behalf of non-Muslims without harming them. It used to be one Dinar which equals thirty Egyptian piasters, in exchange for releasing them from performing military service and enjoying full social care.

[26] Ibid.

Jizyah is a known system found before Islam, set that defeated country should pay tax to victorious country. Islam came and reformed this system through freeing such people from performing military service in Islamic army, but if they joined Islamic army, they will not pay Jizyah, as Abu 'Ubaidah bin Al-Jarrâh did with people of Palestine and as Mu'âwiyah did with people of Armenia. As I set before.

Among what Islam had done to reform system of Jizyah that it made it a social system that guaranteed gaining social subsidy to its people from Public treasury. Though amount of Jizyah was small in first age that equaled one Dinar according to hadîth narrated by Mu'âdh, which is a very small amount of money.

And according to what ⁼Allâh says,

﴿...حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ ﴿٢٩﴾﴾

which means, "Until they give the tax out of hand (i.e. by a ready money payment, or in token of submission) and have been belittled." (⁼At-Tawbah, 9:29)

Jizyah is not to be taken from poor and incapable people. Ash-Shâfi'y said, 'If Imam of Muslims disagreed with one from among People of the Book about whether he is rich, poor, or between that. The say here is according to what this man had said except when Imam of Muslims proved with evidence other than what he said.' Jizyah is not be given except with ability to do so. While "belittled" in the verse means consent. Jurists explained that consent is a condition in taking Jizyah. Ash-Shâfi'y said, 'If anyone from among People of the Book was absent when this covenant of Jizyah was done, he is not to be obliged to do what his nation agreed upon till he agrees. Their children also, are not obliged to pay Jizyah till they reach suitable age and when they reached this age; Jizyah is not to be paid except with their consent of what

their fathers agreed upon. And if they wanted to pay Zakâh which Muslims pay, as they do not accept term of Jizyah, it is lawful. As jizyah is not a selling contract that will be corrupted; it is according to consent of both parties. That is why, when Arab People of the Book hated term of Jizyah and asked to pay Zakâh, 'Umar bin Al-Khattâb agreed on that.'

Imam Ash-Shâfi'y said, 'If they ask Imam of Muslims to write a covenant to them on condition that Jizyah will be with term of Zakâh, it is lawful as long as they possess an amount of money that allow them to pay Zakâh according to Islam. If they possess plants, they will not pay Zakâh till their plants reach five Wasq.' So there is no mean for Jizyah in contemporary countries where all their people submit to equal laws and rules including financial rules.

And beside that, Jizyah was not a general system in dealing with non-Muslims countries during phase of Islamic State and strong Muslims and when non-Muslims countries used to ask for Muslims friendship. It was a special system concerned with worriers from among them and it was an effect of effects of war.

State which adopts neutral situation between Muslims and their enemy, is to be treated with friendship and good neighborhood without paying Jizyah as the Prophet (peace be upon him) did with Banu Mudlij. ⊃Allâh says,

﴿ فَإِنِ ٱعْتَزَلُوكُمْ فَلَمْ يُقَـٰتِلُوكُمْ وَأَلْقَوْا۟ إِلَيْكُمُ ٱلسَّلَمَ فَمَا جَعَلَ ٱللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا ﴿٩٠﴾ ﴾

which means, "So, in case they keep apart from you (and) so did not fight you, and offer you submissiveness, then in no way does ⊃Allâh allow you a way against them." (⊃An-Nisâ⊃, 4:90)[27]

[27] See: after six section (Ihtirâm Al-Hiyâd) fy Al-Manhaj Al-Islamy, p. 107.

Amount of Jizyah:

The compilers of the Sunan recorded that Mu'âdh (may Allâh be pleased with him) narrated that when the Prophet (peace be upon him) sent him to Yemen, he ordered him to take from whoever attained age of puberty one Dinar or its equivalent in garments of that value.

Thomas Arnold comments on this:

> "Most of the time, they (Muslims) used to estimate Jizyah according to what has been left with people from their income after subtracting their expenditures, as it was done with the people of Iraq in the Peninsula. The amounts of Jizyah appointed by the first conquerors were not the same. Imam Abu Hanîfah and Imam Mâlik did not agree on some minor details which are of no importance."
>
> We can find in the book *Al-Kharâj* which was written by Abu Yûsuf in response to the demand of Harûn Ar-Rashid (786-809 A.D. / 170-193 A.H.) evidence that shows generally the way according to which Muslims acted in collecting Al-Kharâj (land tax) during the Abbasid Caliphate. The well-to-do had to pay 48 Dirhams a year, the man of medium resources had to pay 24 Dirhams, while those who were less than that like plowmen used to pay 12 Dirhams. The dirham equals almost 5 pence or 21 millieme. Sometimes, they presented the same amount in the form of cattle, trade and goods instead. Even needles were accepted from them instead of paying money. Never were pigs, wine or dead animals accepted from them."[28]

Aim of Imposing Jizyah:

Thomas Arnold wrote,

[28] Thomas Arnold, *The Preaching of Islam*, p. 78.

"The reason behind imposing such a tax on Christians –as some European researchers want us to think- was not a form of punishment for refusing to embrace Islam. But it was imposed on all Dhimmis (non-Muslims living in and under the protection of Muslim state). These were non-Muslims living under the protection of the Islamic State whose religion prevented them from serving in the army. It was paid in return of the protection provided for them by the Islamic State."[29]

When the people of Al-Hîrah (place in Iraq) paid the money agreed upon, they stated frankly that they only paid such tax on the condition that "Muslims along with their Emir protect us against all aggression from either Muslims or others." Khâlid bin Al-Walîd while making a treaty with the people in cities near Al-Hîrah said, "If we granted you protection, you are to give us the Jizyah, but if we did not, do not." The following incident, which took place during the caliphate of 'Umar, shows that Muslims respected this condition very much: When Emperor Heraclius mobilized his troops to repel the Muslim forces, Muslims had to focus on the battle. Abu 'Ubaidah, the leader of Muslims heard of this matter, and wrote to the rulers that had been appointed over cities conquered by Muslims in Shâm (region covering Syria, Palestine, Jordan and Lebanon). He gave them orders that Jizyah is to be returned to people. He wrote a speech to the people saying, "We have returned your money because we have been informed of the army waiting for us while you have stipulated that we protect you. We are incapable of doing that at the moment. So, we give you back what has been taken from you. But, still we respect your condition and

[29] Ibid.

our treaty and offer our protection when ᵓAllâh grants us victory over them." This way, huge amounts of money were returned from the State's treasury. Christians invoked the Blessings of God to Muslim leaders and they said, "May God return you safely to us and may He grant you victory over them (Byzantines). If it were them, they would not have paid any money. They would have taken anything that was left for us."[30]

Who must pay Jizyah?

Thomas Arnold wrote that the Jizyah was not a form of punishment for not embracing Islam but it was the alternative to military service. Jizyah was imposed on capable males, for if they were Muslims, they would have been asked to serve in the army. It is clear that any Christian group was exempted from such tax if it served in the Muslim army. This is precisely what occurred with the Tribe of Al-Jarâjimah. It was a Christian tribe near Antioch which made peace with the Muslims and promised to support and help them in their battles on the condition that no Jizyah be taken from them and that their booty would be distributed fairly. When the Islamic conquests reached the north of Persia in 22 A. H., such an alliance was made with one of the tribes that lived on the borders of this country. It was exempted from paying Jizyah in return for serving in the army. There are many examples of such exemption concerning Christians who served in the army or the fleet during the Turkish dynasty.

Finally, by 19/1/1869 A.D., the Ottoman Caliphate issued the nationality law which canceled the obligation of Jizyah on non-Muslims and which made military service obligatory on them.

[30] Thomas Arnold, *The Preaching of Islam*, p. 78.

Chapter Two

Social Relations: The Balance between Al-Walâ' and Al-Barâ'

Chapter Topics:

i- Al-Walâ', Al-Barâ' and citizenship.

ii- Al-Walâ', Al-Barâ' and the Fatwas of the Ministry of Religious Endowments.

iii- Islamic judgment concerning social relations.

iv- Testimony of non-Muslims and seeking their help.

v- Followed method in disagreeing with non-Muslims.

vi- Forbiddance of perfidy and transgressing against society.

vii- Rights of foreigner in Islamic countries.

viii- Islamic view concerning the subjects of hostile country.

ix- Situation of Jews and judgment of other than Jews.

x- Non-Muslims and the Palestinian issue.

Chapter Two: Social relations: The Balance between Al-Walâ' and Al-Barâ'

Al-Walâ', Al-Barâ' and Citizenship:

Rights of Citizenship, Al-Walâ' and Al-Barâ':

ᵓAllâh ordered Muslims to be one nation supporting and defending each other; He also ordered them to be disloyal to those who fight against ᵓAllâh, His Messenger and the believers. Islamic jurisprudence defined this principle as the doctrine of loyalty and Al-Barâ' (disavowing non-Muslims), which requires that Muslims be disloyal to the enemies of ᵓAllâh and the enemies of the believers in all transactions, dealings and businesses that harm believers and support their enemy. This is especially important since being loyal to the enemies of ᵓAllâh may cause Muslims to apostatize from Islam. ᵓAllâh says:

﴿ لَّا تَجِدُ قَوْمًا يُؤْمِنُونَ بِٱللَّهِ وَٱلْيَوْمِ ٱلْءَاخِرِ يُوَآدُّونَ مَنْ حَآدَّ ٱللَّهَ وَرَسُولَهُۥ وَلَوْ كَانُوٓا۟ ءَابَآءَهُمْ أَوْ أَبْنَآءَهُمْ أَوْ إِخْوَٰنَهُمْ أَوْ عَشِيرَتَهُمْ ۚ أُو۟لَٰٓئِكَ كَتَبَ فِى قُلُوبِهِمُ ٱلْإِيمَٰنَ وَأَيَّدَهُم بِرُوحٍ مِّنْهُ ۖ وَيُدْخِلُهُمْ جَنَّٰتٍ تَجْرِى مِن تَحْتِهَا ٱلْأَنْهَٰرُ خَٰلِدِينَ فِيهَا ۚ رَضِىَ ٱللَّهُ عَنْهُمْ وَرَضُوا۟ عَنْهُ ۚ أُو۟لَٰٓئِكَ حِزْبُ ٱللَّهِ ۚ أَلَآ إِنَّ حِزْبَ ٱللَّهِ هُمُ ٱلْمُفْلِحُونَ ﴿٢٢﴾ ﴾

which means, "You will not find any people who believe in ᵓAllâh and the Last Day having affection for the ones who contravene ᵓAllâh and His Messenger, even if they were their fathers, or their sons, or their brothers, or their kinsmen. (As for) those, he has written belief in their hearts, and he has aided them with a spirit from himself; and he will cause them to enter gardens from beneath which rivers run, eternally (abiding) therein. ᵓAllâh is satisfied with them, and they are satisfied with him. Those are

the party of ᵓAllâh; verily the party of ᵓAllâh are surely they (who) are the prosperers." (ᵓAl-Mujâdalah, 58:22)

And He says:

﴿ تَرَىٰ كَثِيرًا مِّنْهُمْ يَتَوَلَّوْنَ ٱلَّذِينَ كَفَرُوا۟ ۚ لَبِئْسَ مَا قَدَّمَتْ لَهُمْ أَنفُسُهُمْ أَن سَخِطَ ٱللَّهُ عَلَيْهِمْ وَفِى ٱلْعَذَابِ هُمْ خَٰلِدُونَ ﴿٨٠﴾ وَلَوْ كَانُوا۟ يُؤْمِنُونَ بِٱللَّهِ وَٱلنَّبِىِّ وَمَآ أُنزِلَ إِلَيْهِ مَا ٱتَّخَذُوهُمْ أَوْلِيَآءَ وَلَٰكِنَّ كَثِيرًا مِّنْهُمْ فَٰسِقُونَ ﴿٨١﴾ ﴾

which means, "You see many of them patronizing the ones who have disbelieved. So miserable indeed is whatever their selves have forwarded for them, that ᵓAllâh has been wrathful against them, and in the torment they are eternally (abiding). And if they had believed in ᵓAllâh and the Prophet and what has been sent down to him, in no way would they have taken them to themselves as patrons; but many of them are immoral." (ᵓAl-Mâ'idah, 5:80-81)

For this reason, some Muslims, out of caution, forbade dealing with non-Muslims in many matters that are not included in the original concepts of loyalty and disloyalty. Hence they forbade visiting sick non-Muslims, congratulating them on happy occasions, and taking part in their funeral processions.

The Concepts of Walâ' and Al-Barâ':

Loyalty means loving, supporting, and following others in words and deeds. ᵓAllâh says:

﴿ إِنَّمَا وَلِيُّكُمُ ٱللَّهُ وَرَسُولُهُۥ وَٱلَّذِينَ ءَامَنُوا۟ ...﴿٥٥﴾ ﴾

which means, "Surely your Ever-Patronizing patrons is only ᵓAllâh; and His Messenger, and the ones who have believed." (ᵓAl-MâᵓIdah, 5:55)

Al-Barâ' means disavowal of the enemies of Islam and disloyalty to them either in words or actions. ᵓAllâh says:

﴿ لَا يَتَّخِذِ ٱلْمُؤْمِنُونَ ٱلْكَٰفِرِينَ أَوْلِيَآءَ مِن دُونِ ٱلْمُؤْمِنِينَ ۖ وَمَن يَفْعَلْ ذَٰلِكَ فَلَيْسَ مِنَ ٱللَّهِ فِى شَىْءٍ ...﴿٢٨﴾ ﴾

which means, "The believers should not take to themselves the disbelievers for constant patrons, apart from the believers; and he who performs that, (then) he has nothing (to look to) from ᵓAllâh." (ᵓÂl-ᶜImrân, 3:28)

﴿ لَّا تَجِدُ قَوْمًا يُؤْمِنُونَ بِٱللَّهِ وَٱلْيَوْمِ ٱلْءَاخِرِ يُوَآدُّونَ مَنْ حَآدَّ ٱللَّهَ وَرَسُولَهُۥ وَلَوْ كَانُوٓا۟ ءَابَآءَهُمْ أَوْ أَبْنَآءَهُمْ أَوْ إِخْوَٰنَهُمْ أَوْ عَشِيرَتَهُمْ ۚ أُو۟لَٰٓئِكَ كَتَبَ فِى قُلُوبِهِمُ ٱلْإِيمَٰنَ وَأَيَّدَهُم بِرُوحٍ مِّنْهُ ۖ وَيُدْخِلُهُمْ جَنَّٰتٍ تَجْرِى مِن تَحْتِهَا ٱلْأَنْهَٰرُ خَٰلِدِينَ فِيهَا ۚ رَضِىَ ٱللَّهُ عَنْهُمْ وَرَضُوا۟ عَنْهُ ۚ أُو۟لَٰٓئِكَ حِزْبُ ٱللَّهِ ۚ أَلَآ إِنَّ حِزْبَ ٱللَّهِ هُمُ ٱلْمُفْلِحُونَ ﴿٢٢﴾ ﴾

which means, " You will not find any people who believe in ᵓAllâh and the Last Day having affection for the ones who contravene ᵓAllâh and His Messenger, even if they were their fathers, or their sons, or their brothers, or their kinsmen. (As for) those, He has written belief in their hearts, and He has aided them with a spirit from Himself; and He will cause them to enter gardens from beneath which rivers run, eternally (abiding) therein. ᵓAllâh is satisfied with them, and they are satisfied with Him. Those are the party of ᵓAllâh; verily the party of ᵓAllâh are surely they (who) are the prosperers." (ᵓAl-Mujâdalah, 58:22)

Not showing loyalty to polytheists does not mean not dealing with them or turning away from them and declaring war against them. To be disloyal means to disavow their creeds, since these may

lead some to desert Islam,; it also means to disavow their legislations which oppose the legislation of ᵓAllâh and His judgment. ᵓAllâh says:

﴿ أَفَحُكْمَ ٱلْجَٰهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ ٱللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ ﴿٥٠﴾ ﴾

which means, "Is it then the judgment of (pagan) ignorance that they inequitable seek? And who is fairer in judgment than ᵓAllâh, for a people having certitude?" (ᵓAl-Mâᵓidah, 5:50)

Loyalty to them means preferring them to the believers, and supporting them and accepting the beliefs and legislations which opposed Islam.

That is why ᵓAllâh says:

﴿ ...وَمَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُۥ مِنْهُمْ... ﴿٥١﴾ ﴾

which means, "And whoever of you patronizes them, then surely he is one of them." (ᵓAl-Mâᵓidah, 5:51)

And He says,

﴿ إِنَّمَا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ قَٰتَلُوكُمْ فِى ٱلدِّينِ وَأَخْرَجُوكُم مِّن دِيَٰرِكُمْ وَظَٰهَرُوا۟ عَلَىٰٓ إِخْرَاجِكُمْ أَن تَوَلَّوْهُمْ ۚ وَمَن يَتَوَلَّهُمْ فَأُو۟لَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ ﴿٩﴾ ﴾

which means, "Surely ᵓAllâh only forbids you as to the ones who have fought you on account of the religion, and driven you out of your residences, and backed (others) in driving you out, that you should patronize them; and whoever patronizes them, then those are they who are unjust." (ᵓAl-Mumtahanah, 60:9)

Imam At-Tabary (may ᵓAllâh mercifully rest his soul) says in explaining the above verse:

"The meaning here is, 'Whoever is loyal to Jews and Christians against believers, is one of them. Whoever is loyal to them and supports them against the believers is one of the people of this religion and creed. No one can be loyal to others unless he is part of them and is content with that. If he is content with their beliefs and their religion, he becomes an enemy and hates whatever disagrees with the [beliefs of those he has supported], and will be judged according to the same judgments that are applied to these people. That is why the scholars who judged between the Christians of Banu Taghlub in their sacrifices, marriage, and others issues, judged according to values of Christians of Banu Israel as they were loyal to them, contented with their creed, and supporters of them; even if they were of different kinship and religious origin.'[31]

Sheikh Muhammad Rashîd Ridâ commenting on At-Tabary's words "Limited being loyal to religion, since during the time of the Prophet polytheists and the People of the Book rallied in showing enmity towards the Muslims and their new faith. However, loyalty, disagreement or support could happen between two parties of different religions in matters of worldly interest or benefit. Hence if Muslims show loyalty to a non-Muslim nation against another non-Muslim nation, since this is in the Muslims' best interest, this disagreement is not considered disloyalty, since it is not against other Muslims.'[32]

Al-Khâzin said in explanation of the same verse, 'Whoever shows loyalty to Jews and Christians against believers, supporting them against believers, is among people of this religion, as no one can show loyalty to others unless he is contented with them and their religion, in which case, he becomes one of them. This teaching is from ᵓAllâh, the Exalted and a great emphasis on abandoning

[31] At-Tabary, *Tafsîr*, vol. 6, p. 179.
[32] *Tafsîr Al-Manâr*, vol. 16, pp. 140-431.

Jews, Christians and whoever disagrees with the religion of Islam.'[33]

While Al-Qâsimy mentioned in his book *Mahâsin At-Ta'wîl*, 'You should know that loyalty, which is to consult with and reveal secrets to polytheists, is unlawful. Then what is to be said of scholars permitting marriage to a polytheist woman, a matter that involves intimacy and sharing secrets with this woman? The answer to that is that a display of loyalty involves matters of religion and whatever glorifies it...it is clear now that whoever shows loyalty to a polytheist is a sinner, but to what extent? This requires some explanation.'

'If loyalty means love, and if a person loves another person because of his sin; that would mean accepting his sin. If loyalty causes disbelief, he would be a polytheist and if it causes transgression, he would be committing transgression. But if it causes neither disbelief nor transgression, he would be neither polytheist nor committing transgression.

'If loyalty means alliance and support, then there are two views. An alliance in a lawful and obligatory matter, such as when Muslims defend Dhimmis (non-Muslims living in and under the protection of a Muslim state)) against attackers, is in fact the duty of Muslims. An alliance in an unlawful matter, such as agreeing to swindle Muslims or have authority over them, is without doubt sinful. Revealing the secrets of Muslims and seeking safety among polytheists not because of their beliefs, but because of their authority or because they are kin, is sinful, but does not classify as disbelief, since it was never reported that the Messenger of ᵓAllâh (peace be upon him) judged Hâtib bin Abu Balta'ah to be a polytheist.'[34]

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[33] Ibid, vol. 16, pp. 81-82.
[34] Al-Qâsimy, *Mahâsin At-Ta'wîl*, vol. 4, pp. 80, 81& 82.

Al-Qâsimy also said, 'What gives rise to disbelief in matters of loyalty is contentment with disbelief. What causes transgression is contentment with transgression.[35]

Sheikh Muhammad Rashîd Ridâ said, 'forbidden in the issue of showing loyalty is when Muslims show loyalty to Jews and Christians and make alliances with them to support them against other Muslims or to convene with them against other Muslims. But making alliance with non-Muslims in ways that will benefit the believers or preventing harm from them is a matter of discretion which the majority of scholars have permitted.[36]

The Concept of Citizenship:

Man is naturally disposed to love himself and protect his being, and has the natural disposition to love family and community. Family formed the foundations of first humanity. When people spread all over world, and similar groups formed the societies in which they lived, individuals moved from the circle of family and tribe to the circle of society. That is why individuals of a society belong to it besides belonging to their families. This sense of identity implies obligations and creates loyalty toward society, which is ultimately defined as citizenship.

A citizen is one who belongs, according to his origin and traditions, to a specific homeland; he becomes a citizen according to the nationality laws stipulated in this country. However, the concept of "citizenship" is more comprehensive and carries deeper meanings than being a national of a particular country. It implies identity and belonging to a certain place. A person may acquire the nationality of a country other than his own, but while his passport defines who he is, he may not feel a sense of true belonging in that country.

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[35] Ibid.

[36] *Tafsîr Al-Manâr*, vol. 16, pp. 81, 82.

Homeland in Islam:

Emergence of terms like 'patriotism' and 'nationalism' has led many to inquire how Islam views such terms. The utmost that those singing in praise of patriotism call for is love of the homeland and its defense. However, the urge to love and protect one's country is instinctive, and Islam demands it of us, so patriotism does not add anything new. The Prophet (peace be upon him) held Makkah, his homeland, dear to his heart. He said: "You are a good land, and I love you; were it not that my people expelled me from you, I would never dwell in any land other than you."[37]

The utmost that callers of nationalism ask for is caring for the human clan and for ones people, and defending them when necessary.

However, this spirit is already ordered and greatly encouraged by Islam. ᵓAllâh made it one of the degrees of faith to love ones nation, and to defend ones homeland and sacrifice soul and money for it is to attain nothing less than martyrdom. ᵓAllâh says:

﴿ وَمَا لَكُمْ لَا تُقَٰتِلُونَ فِي سَبِيلِ ٱللَّهِ وَٱلْمُسْتَضْعَفِينَ مِنَ ٱلرِّجَالِ وَٱلنِّسَآءِ وَٱلْوِلْدَٰنِ ... ﴿٧٥﴾ ﴾

which means, "And what is it with you, that you do not fight in the way of ᵓAllâh, (the way) and of the ones deemed weak among the men, women and newborns." (ᵓAn-Nisâᵓ, 4:75)

Abu Dâwûd and At-Tirmidhy recorded that the Prophet (peace be upon him) said, "He who is killed while protecting his religion is a

[37] Recorded by Ahmad, *Al-Musnad*, vol.4, p.305, At-Tirmidhy, vol.5, p. 722, n.3926, and Ibn Mâjah, vol. 2, p. 1037.

martyr, and he who is killed while defending his blood, or his family is a martyr."

In Islam, there is no contradiction in belonging to all of ones religion, family, homeland, and race, as there is no contradiction between bonds that connect individual with wife, children, and parents, or the greater community.

Al-Walâ', Al-Barâ' and Fatwâ of the Ministry of Religious Endowments:

There have often been questions raised as to how non-Muslims should be treated on different occasions, and whether or not they are entitled to receive good wishes from their Muslim compatriots. Over a number of years, the General Committee for Fatwâ in the Ministry of Religious Endowments and Islamic Affairs in Kuwait was consulted on the Islamic lawfulness of different issues. Their answers were decisive, and the following are Fatwas issued accordingly:

1. Fatwâ # 7/4/1978, recorded in # 642 which includes: legality of taking part in comforting and condoling the People of the Book in times of grief, and in attending their funerals, without any participation in their religious rituals which include observing the trinity, etc. Another fatwâ with the same meaning is found in # 9/62/1988 recorded in # 140.
2. Fatwâ # 1/7/1986, recorded in # 699 which includes: legality of expressing congratulations or sharing in the joy of non-Muslims on the occasions of marriage, childbirth, safety (e.g from an accident), good health, returning from travel, and new year festivals, as long as these wishes do not involve forbidden matters in Islam like observing the trinity in religious festivals.

3. Fatwâ # 1/9/4/1985, recorded in #1007 which includes: paying blood money of non-Muslims to his/her family.
4. Fatwâ # 1/425/1987, recorded in # 1166 which includes: legality of dealing with non-Muslims in buying and selling, even if the money of the non-Muslim comes from a prohibited or dubious source, since what matters is that the Muslim undergoes his transactions with honesty and purity, while the sin of misconduct will fall upon the person who has earned his money in an unlawful manner.
5. Fatwâ # 3/445/1987, recorded in # 1160 which includes: legality of hiring non-Muslims. The Prophet (peace be upon him) used to deal with Jews and Christians in selling and buying, which included hiring them in certain jobs. As long as such an arrangement does not lead to dissipation and corruption, then it is entirely acceptable in Islam.
6. Fatwâ # 8/24/1983, recorded in # 327 which includes: legality of hiring non-Muslim. Similar to # 5
7. Fatwâ # 6/54/1987, recorded in # 180 which includes: legality of giving Sadaqah (charity) to People of the Book (i.e. the Jews and Christians).
8. Fatwâ # 4/462/1987, recorded in # 368 which includes: legality of a Muslim visiting a non-Muslim at home or work with the intention of treating him with kindness and goodness, as mentioned in the Qur'ân.
9. Fatwâ # 7/62/1988, recorded in # 1400 which includes: A Muslim loving a wife who is from the People of the Book, as long as his love for her does not challenge his loyalty to Islam.

10. Fatwâ # 1/449/1988, recorded in # 1531 which includes: unlawfulness of trickery and fraud in any dealings with non-Muslims related to trade and finance. A Muslim must never revert to deception, and should certainly not take money from others without consent.

Social Relations with Non-Muslims:

Social relations with neighbors, citizens and others from among non-Muslims are not forbidden. As ⊃Allâh says,

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٨﴾ إِنَّمَا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ قَـٰتَلُوكُمْ فِى ٱلدِّينِ وَأَخْرَجُوكُم مِّن دِيَـٰرِكُمْ وَظَـٰهَرُوا۟ عَلَىٰٓ إِخْرَاجِكُمْ أَن تَوَلَّوْهُمْ ۚ وَمَن يَتَوَلَّهُمْ فَأُو۟لَـٰٓئِكَ هُمُ ٱلظَّـٰلِمُونَ ﴿٩﴾ ﴾

which means, "⊃Allâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ⊃Allâh loves the equitable. Surely ⊃Allâh only forbids you as to the ones who have fought you on account of the religion, and driven you out of your residences, and backed (others) in driving you out, that you should patronize them; and whoever patronizes them, then those are they who are unjust." (⊃Al-Mumtahanah, 60:8-9)

The following are some of the social relations that Muslims may uphold with their non-Muslim compatriots. Social relations of the nature shown below are not prohibited or considered disloyalty, and Muslims are required to remember that ⊃Allâh commands us to show benevolence to all beings:

1. Visiting Sick Non-Muslims:

Visiting sick non-Muslims is considered piety. ᵓAllâh, the Exalted says:

﴿ ...أَن تَبَرُّوهُمْ وَتُقْسِطُوٓاْ إِلَيْهِمْ... ﴿٨﴾ ﴾

which means, "That you should be benign to them and be equitable towards them." (ᵓAl-Mumtahanah, 60:8)

Al-Bukhâry recorded that Anas (may ᵓAllâh be pleased with him) narrated that a Jewish boy used to servant the Prophet (peace be upon him). Once he fell ill, and the Prophet (peace be upon him) visited him and said to him, "embrace Islam." So he embraced Islam.[38]

And Al-Bukhâry also recorded that the Prophet (peace be upon him) visited his uncle Abu Tâlib in his sickness. Al-Bukhâry gave this chapter the title of *'Iyâdatul-Mushrik* (visiting polytheist in sickness).[39]

2. Preparing the Dead of Non-Muslims for burial and Following their Funerals:

It is obvious that a Muslim will wash his non-Muslim relative and bury him, especially if this relative does not have anyone else to do so.

There is guidance in the Qurᵓân seen in the sons Âdam (Adam, peace be upon him) when one of them killed the other. ᵓAllâh says:

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[38] *Fath Al-Bâry*, vol. 10, p. 119. Al-Haithamy, *Mujamma' Az-Zawâ'id*, vol. 2, p. 300, and recorded by Al-Bukhâry, *Sahîh*, vol. 3, p. 219.

[39] *Fath Al-Bâry*, vol. 3, p. 221.

﴿ فَبَعَثَ ٱللَّهُ غُرَابًا يَبْحَثُ فِي ٱلْأَرْضِ لِيُرِيَهُۥ كَيْفَ يُوَٰرِى سَوْءَةَ أَخِيهِ ۚ قَالَ يَٰوَيْلَتَىٰٓ أَعَجَزْتُ أَنْ أَكُونَ مِثْلَ هَٰذَا ٱلْغُرَابِ فَأُوَٰرِىَ سَوْءَةَ أَخِى ۖ فَأَصْبَحَ مِنَ ٱلنَّٰدِمِينَ ﴿٣١﴾ ﴾

which means, "Then ⊃Allâh sent forth a raven searching into the earth to show him how he should overlay the shameful parts of his brother. He said "Oh woe to me! Am I unable to be like this raven, (and) so overlay the shameful parts of my brother?" so he became among the remorseful." (⊃Al-Mâ⊃idah, 5:31)

Taking part in the funerary procedures of a non-Muslim is not prohibited, since it not considered loyalty towards him in a forbidden matter.

It says enough that when the Prophet's (peace be upon him) uncle Abu T̲âlib died, he ordered 'Aly, Abu Talib's son and the blessed Prophet's son-in-law, to wash, enshroud and bury him.[40] This included following his funeral procession. Ash-Shâfi'iyah agreed that it is obligatory to enshroud a person who dies from the People of the Book and bury them. Should they have no money to cover expenses themselves, then expenses should be taken from the public treasury of Muslims, since we are commanded to feed and clothe him during his lifetime if he is incapable of doing so.[41]

Many jurists allowed following funerals of non-Muslims, since it counts as piety.[42] It was narrated that the mother of Al-H̲ârith bin Abu Rabî'ah died a Christian and he followed her funeral accompanied by group of Companions.[43]

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[40] Recorded by Abu Dâwûd and An-Nasâ'y.
[41] As̲-S̲an'âny, *Al-Mus̲annaf*, vol. 6, p. 39.
[42] Muhammad Ash-Shirbîny, *Mughny Al-Muh̲tâj*, vol. 1, p. 348.
[43] Al-Kâsâny, Badâ'I' As̲-S̲anâ'I', vol. 1, p. 303.

3. Visiting the Graves of Non-Muslims:

The majority of scholars allowed visiting graves of non-Muslims, as there is no direct prohibition and visiting their graves is not a form of loyalty to them. Furthermore, Ibn Taimiyah furnished evidence of its lawfulness, since the Prophet (peace be upon him) said, "I asked permission of my Lord to ask forgiveness for my mother. He did not consent, so I asked His permission to visit her grave, and He allowed me. Visit graves as they remind you of the Hereafter."[44]

4. Comforting Non-Muslims:

Comforting non-Muslims, giving condolences, giving them your time, advising them to be patient and accept fate, are all not forbidden and count as piety which ᵓAllâh ordered us to have. That is why Al-Hanâbilah recorded by Ahmad[45], Al-Hanafiyah[46] and Al-Mâlikiyah recorded by themselves, and Ash-Shâfi'iyah agreed upon the legality of comforting non-Muslims.[47]

Whoever says to a non-Muslim while comforting him Al-Baqâ' lillâh (ᵓAllâh alone will remain forever), Akhlafa Allâhu 'alainâ wa 'alaik (May ᵓAllâh compensate us and you), Jazâka allâhu khairan 'anhu (May ᵓAllâh give you reward for being patient), or any other form of condolence that does not disagree with the rules of Islam, is not committing a forbidden act in Islam.

5. Buying Garments from Non-Muslims:

Muslims during the lifetime of the Prophet (peace be upon him) used to import clothes from Yemen, Egypt, and Shâm (Syria, Lebanon, Palestine, Jordan) before the people of these countries

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[44] *Zâd Al-Ma'âd*, vol. 2, p. 425.
[45] *Fath Al-Bâry Sharh Sahîh Al-Bukhâry*, vol. 7, p. 45.
[46] Ibn Qudâmah, *Al-Mughny*, vol. 2, p. 2405.
[47] Ibn 'Âbdîn, *Hâshiyah*, vol. 5, p. 248 and Ibn Al-Qayyim, *Ahkâm Ahl Adh-Dhimmah*, vol. 1, p. 204.

embraced Islam and used to wear them without washing them (as washing is the basic rule is ensure their purity). Among those from which the Muslims bought the garments from were Magi and polytheists.

Ibn Taimiyah mentioned in *Al-Fatâwâ* numbers 28, 29 and Al-Khattâby in *Ma'âlim As-Sunan*, vol.4, p.257 that Ibn Qudâmah said in *Al-Mughny* vol.1, p.62, 'There is no disagreement between scholars about legality of prayer that is performed while wearing clothes that are woven by polytheists as the Messenger of ᵓAllâh (peace be upon him) and his Companions used to wear clothes that were woven by polytheists.'

6. Using Vessels of Non-Muslims:

The Prophet's (peace be upon him) Hadîths prove the lawfulness of using the vessels of non-Muslims, both the People of the Book and polytheists. Jâbir (may ᵓAllâh be pleased with him) narrated, "When we were with the Messenger of ᵓAllâh (peace be upon him) in a battle and found vessels and skins of the polytheists and used them, he did not object." Recorded by Al-Bukhâry and Muslim.[48]

Ibn Sîrîn said, 'Companions of the Messenger of ᵓAllâh (peace be upon him) used when overpowered polytheists to eat and drink in their vessels.'[49]

7. Sacrifices of the People of the Book and Polytheists:

People of the Book are Jews and Christians. There is no prohibition in eating from the animals they slaughter for food. ᵓAllâh says:

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[48] *Fath Al-Bâry*, vol.1, p.448, *Subul As-Salâm*, vol.1, p.44, and *Nail Al-Awtâr*, vol. 1, p. 13.

[49] As-Sarkhasy, *Sharh As-Sayr Al-Kabîr*, vol. 1, p. 145 and Al-Khattâby, vol. 4, p. 256.

﴿ ...وَطَعَامُ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَّهُمْ... ﴾

which means, "And the food of the ones to whom the Book was brought is lawful to you, and your food is made lawful to them." (ᵓAl-Mâᵓidah, 5:5)

The Prophet (peace be upon him) was asked once about the food of the Christians and said, "Never feel any doubt about the lawfulness of any kind of food just because it is similar to a food of the Christians."[50]

That is to say, do not avoid their food. Although they are polytheists, since they consider ᵓAllâh part of a Trinity, and Jesus the son of ᵓAllâh, ᵓAllâh allowed their sacrifices and allowed marrying from among their women and named them the People of the Book. However, polytheists who do not worship the same deity are considered infidels, not from among People of the Book but idolaters. Atheists, magi (who worship fire) are among those who do not count. The sacrifices of these people are forbidden to Muslims, since only the food of the People of the Book is mentioned as permissible in the Qurᵓân. Qais bin Sakan Al-Asady (may ᵓAllâh be pleased with him) narrated that the Messenger of ᵓAllâh (peace be upon him) said, "If it happens that you come down to the countryside of Persia, you may buy meat and eat thereof even if the seller is a Jew or a Christian." Recorded by Ahmad and said, 'And he excluded fishing, as it is not among sacrifices.' [51]

8. Exposure of Muslim women to non-Muslims:

Muslim women during daily life mix with other women, and need not wear Islamic dress as long as strange men are not present in their company. This is also lawful if the women in question are

[50] Recorded by At-Tirmidhy, *Tuhfatul-Ahwadhy*, vol. 5, p. 182.
[51] *Fath Al-Bâry*, vol. 9, p. 614.

non-Muslims, as Shâfi'iy, Mâliky, H̲anbaly, and some H̲anafy scholars upheld this.[52]

Such scholars derived their evidence from the following verse. ᵓAllâh says,

﴿ ...وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا ۖ وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ ۖ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ ءَابَآئِهِنَّ أَوْ ءَابَآءِ بُعُولَتِهِنَّ أَوْ أَبْنَآئِهِنَّ أَوْ أَبْنَآءِ بُعُولَتِهِنَّ أَوْ إِخْوَٰنِهِنَّ أَوْ بَنِىٓ إِخْوَٰنِهِنَّ أَوْ بَنِىٓ أَخَوَٰتِهِنَّ أَوْ نِسَآئِهِنَّ ...﴿٣١﴾ ﴾

which means, "And not display their adornment except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women." (ᵓAn-Nûr, 24:31)

The scholars state that a Muslim woman is allowed to reveal her adornment to another woman, either Muslim or non-Muslim, as the word "woman" here includes women in general.

While those who adopted the other point of view derived their evidence from the same verse to prove that a Muslim woman is not allowed to reveal herself to a non-Muslim woman and took the verse to mean Muslim women only; according to them, any non-Muslim woman is like man to a Muslim woman. Those who uphold that it is not prohibited restrict the parts of the body that must remain covered as the area between the navel and the knee, unless there is a necessity for revealing it, like in front of woman doctor. A Muslim woman is allowed to reveal to non-Muslim woman whatever part from her body for necessity of treatment. There is disagreement; however, the general rule is that there

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[52] Ibn Al-'Araby, *Ah̲kâm Al-Qurᵓân*, vol. 3, p. 1372 and Ibn Qudâmah, *Al-Mughny*, vol. 7, p. 1057.

should be no prohibition without evidence from the Qur⊃ân of Sunnah, for ⊃Allâh says:

﴿ ...وَقَدْ فَصَّلَ لَكُم مَّا حَرَّمَ عَلَيْكُمْ إِلَّا مَا ٱضْطُرِرْتُمْ إِلَيْهِ ...﴿١١٩﴾ ﴾

which means, "And He has expounded whatever He has prohibited to you-except whatever you are constrained to." (⊃Al-⊃Anᶜâm, 6:119)[53]

9. Greeting Non-Muslims:

There are several texts that forbade Muslim to be the first in greeting non-Muslim. Among them is the hadîth in which the Prophet (peace be upon him) said, "Do not greet the Jews and the Christians before they greet you and when you meet any one of them on the roads force him to go to the narrowest part of it."[54] Practical implementation shows that this was due to the many conspiracies of Jews; that is why some of the followers of Ash-Shâfi'y agreed that to begin with the greeting is not approved of, but is likewise not prohibited.

There are also texts that allowed greeting them, which is why some jurists supported it and used as evidence the following verses:

﴿ ...سَلَٰمٌ عَلَيْكَ ...﴿٤٧﴾ ﴾

which means, "Peace be upon you." (Maryam, 19:47)

And He says:

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[53] Ibn Qudâmah, *Al-Mughny*, vol. 7, p. 464, *Hâshiyatul-Jamal 'alâ sharh Al-Manhaj*, vol. 4, p. 124, Al-Qâsimy, *Mahâsin At-Ta'wîl*, vol. 12, p. 169, Ar-Râzy, *At-Tafsîr Al-Kabîr*, vol.23, p.208, Al-Allûsy, *Rûh Al-Ma'âny*, vol. 18, p. 143.

[54] Recorded by Muslim, *Sahîh*, vol. 4, n.1707.

﴿ فَٱصْفَحْ عَنْهُمْ وَقُلْ سَلَـٰمٌ ...(٨٩) ﴾

which means, "Yet pardon them, and say, "peace!" (ᵓAz-Zukhruf, 43:89)

Ibn 'Uyainah was once asked: 'Is it lawful to greet polytheists?' He said: 'Yes, for ᵓAllâh says:

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ ...(٨) ﴾

which means, "ᵓAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them." (ᵓAl-Mumtahanah, 60:8)[55]

There is also the hadîth narrated by Abu Umâmah (may ᵓAllâh be pleased with him) that the Messenger of ᵓAllâh (peace be upon him) said, "Those who are nearest to ᵓAllâh are those who are first to give a salutation."[56] A narration by 'Â'ishah, Mother of the Believers (may ᵓAllâh be pleased with her), may give rise to disagreement in opinion. She (may ᵓAllâh be pleased with her) narrated, "A group of Jews entered upon the Prophet (peace be upon him) and said, 'As-Sâmu 'Alaikum.' (I.e. death be upon you). I understood it and said, 'Wa-'Alaikum As-Sâmu wal-la'nah. (And may death and the curse of ᵓAllâh be upon you).' Messenger of ᵓAllâh (peace be upon him) said, 'Be calm, O 'Â'ishah! ᵓAllâh loves that one should be kind and lenient in all matters.' I said, 'O Messenger of ᵓAllâh! Haven't you heard what they (the Jews) have said?' The Messenger of ᵓAllâh (peace be upon him) said, 'I have

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[55] Al-Qurtuby, *Tafsîr*, vol. 11, p. 111 & vol. 18, p. 55.

[56] Recorded by Abu Dâwûd, n.5197 and An-Nawawy, *Al-Majmû'*, vol. 4, p. 418.

(already) said (to them), 'and (the same) upon you!'"[57] And in another narration he (peace be upon him) answered her, "Did not you hear how I replied to them? (My supplication) will be answered against them and theirs will not be answered against me." Al-Bukhâry recorded that the Prophet (peace be upon him) said, "If (any among) People of the Book greeted you, you should say, 'And (the same) upon you.'"[58]

Concerning returning of greeting of them; scholars agreed together upon that as ᵓAllâh says,

﴿ وَإِذَا حُيِّيتُم بِتَحِيَّةٍ فَحَيُّوا۟ بِأَحْسَنَ مِنْهَآ أَوْ رُدُّوهَآ ...(٨٦) ﴾

"And when you are greeted with a greeting, then greet a fairer one than it, or give it back again." (ᶜAn-Nisâᵓ, 4:86)[59]

10. Testimony of Non-Muslims:

If a Muslim is traveling with non-Muslims, and for fear of death decides to declare his final will, he may appoint two non-Muslim witnesses, and their testimony will be accepted according to Imam Ahmad and others[60]. As ᵓAllâh says,

﴿ يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ شَهَـٰدَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ ٱلْمَوْتُ حِينَ ٱلْوَصِيَّةِ ٱثْنَانِ ذَوَا عَدْلٍ مِّنكُمْ أَوْ ءَاخَرَانِ مِنْ غَيْرِكُمْ ...(١٠٦) ﴾

which means, "O you who have believed, the testimony between you, when death is present to any of you while bequeathing, shall be two (men) with a sense of justice or two others from other (folk)." (ᶜAl-Mâᵓidah, 5:106)

[57] Recorded by Al-Bukhâry, vol. 11, p. 42 and by Muslim, vol. 4, n.1706.
[58] *Fath Al-Bâry*, vol. 11, p. 42.
[59] Ibid, vol. 2, p. 425.
[60] Ibid.

The Prophet (peace be upon him) applied this when one Muslim man died in a country that had no Muslims.[61]

As for the phrase, "With a sense of justice", Muslims with integrity have the priority to be witnesses, but if no Muslim witnesses are available, then the testimony of non-Muslims is to be accepted. This is confirmed in the previous verse, and was applied by the Prophet (peace be upon him).

Ibnul-Qayyim said, 'The Glorious Qur⊃ân and Sunnah prove the lawfulness [of this]. The meaning is not negated by other verses, since this is among the last verses revealed in the Qur⊃ân. The companions of the Prophet (peace be upon him) judged according to this verse.[62]

11. Seeking Help from Non-Muslims:

Today, as in the days of the Prophet (peace be upon him), it is lawful to seek help from non-Muslims in whatever areas they may excel in. This applies to both the People of the Book and polytheists.

The Prophet (peace be upon him) hired 'Abdullâh bin Uraiqit as a guide in his emigration from Makkah to Al-Madînah and he was polytheist, while other polytheists sat in wait, expecting the Prophet (peace be upon him) to kill him.

The mission of this polytheist was to guide the Prophet (peace be upon him) on the road according to his experience in traveling it. If trust and confidence were limited to Muslims only, the Prophet (peace be upon him) would not have trusted 'Abdullâh bin Uraiqit and the revealed Qur⊃ân would not have accepted testimony of non-Muslims during travels, as we have seen.

⊃Allâh says,

[61] Recorded by At-Tirmidhy, n.3061 and by Abu Dâwûd, n.3606.
[62] Ibn Al-Qayyim, *Zâd Al-Ma'âd*, vol. 3, pp. 148-149.

﴿ يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ شَهَـٰدَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ ٱلْمَوْتُ حِينَ ٱلْوَصِيَّةِ ٱثْنَانِ ذَوَا
عَدْلٍ مِّنكُمْ أَوْ ءَاخَرَانِ مِنْ غَيْرِكُمْ ...﴿١٠٦﴾ ﴾

which means, "O you who have believed, the testimony between you, when death is present to any of you while bequeathing, shall be two (men) with a sense of justice or two others from other (folk)." (ᵓAl-Mâᵓidah, 5:106)

The Prophet (peace be upon him) entered Makkah after returning from At-Tâ'if protected by Mut'im bin 'Udayy after the people of Makkah allied not to give him access to the holy city.[63]

When Sa'd bin Abu Waqqâs was ill during the farewell Hajj, the Prophet (peace be upon him) asked Al-Hârith bin Kildah who was a non-Muslim doctor to treat him.[64]

12. Exchanging Gifts and Congratulations:

ᵓAllâh bases social life between all people on the brotherhood of mankind, and does not limit transactions, love, and compliments to brotherhood in religion only. ᵓAllâh says,

﴿ يَـٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقْنَـٰكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَـٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوٓا۟ ۚ إِنَّ
أَكْرَمَكُمْ عِندَ ٱللَّهِ أَتْقَىٰكُمْ ۚ إِنَّ ٱللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٣﴾ ﴾

which means, "O you mankind, surely We created you of a male and a female, and We have made you races and tribes that you may get mutually acquainted. Surely the most honorable among you in the providence of ᵓAllâh are the most pious; surely ᵓAllâh is ever-knowing, ever-cognizant." (ᵓAl-Hujurât, 49:13)

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[63] *Al-Majmû'*, vol. 4, p. 421 and Ibn 'Âbdîn, *Hâshiyah*, vol. 5, p. 265.
[64] Al-Qurtuby, *Tafsîr*, vol. 11, p. 112.

The twentieth century martyr, Sayyid Qutb said in his book *Fy Zhilâl Al-*Qur⊃ân commenting on this verse, 'The One Who beckons you with the words "O you mankind" is the One Who created you, He informed you of the reason you have been created in nations and tribes. This reason is not so that you fight and show each other hostility, but that you become acquainted with each other and live peacefully together. Differences in tongues, colors, natures, manners, talents and tendencies must not cause conflict and squabbling [over these differences]. You must cooperate to fulfill your role on earth and together meet your needs.'

When Salmân Al-Fârisy first came to Al-Madînah, he was not yet a Muslim. He knew that the Prophet (peace be upon him) was dignified and would not accept charity. He entered upon the Prophet (peace be upon him) and said, 'I respect your dignity and I present a gift to you, not a Sadaqah (charity).' The Prophet (peace be upon him) extended his hand and ate, and so did the Companions. Al-Hâfizh Al-'Irâqy commented on this saying, 'This hadîth shows the lawfulness of accepting gifts from a polytheist as Salmân had not embraced Islam at that time.'[65]

How Muslims should Express Disagreement with Non-Muslims:

It is one of ⊃Allâh's great miracles in creation that people differ in their religions, race and languages. ⊃Allâh says,

﴿ وَمِنْ ءَايَـٰتِهِۦ خَلْقُ ٱلسَّمَـٰوَٰتِ وَٱلْأَرْضِ وَٱخْتِلَـٰفُ أَلْسِنَتِكُمْ وَأَلْوَٰنِكُمْ ۚ إِنَّ فِى ذَٰلِكَ لَـَٔايَـٰتٍ لِّلْعَـٰلِمِينَ ﴿٢٢﴾ ﴾

which means, "And of his signs is the creation of the heavens and the earth and the differences of your tongues and colors. Surely in that are indeed signs for knowledgeable men." (⊃Ar-Rûm, 30:22)

[65] Ibid.

And ᵓAllâh says about their different creeds and laws,

﴿ وَلَوْ شَآءَ رَبُّكَ لَجَعَلَ ٱلنَّاسَ أُمَّةً وَٰحِدَةً ۖ وَلَا يَزَالُونَ مُخْتَلِفِينَ ﴿١١٨﴾ إِلَّا مَن رَّحِمَ رَبُّكَ ۚ وَلِذَٰلِكَ خَلَقَهُمْ ۗ وَتَمَّتْ كَلِمَةُ رَبِّكَ لَأَمْلَأَنَّ جَهَنَّمَ مِنَ ٱلْجِنَّةِ وَٱلنَّاسِ أَجْمَعِينَ ﴿١١٩﴾ ﴾

which means, "And if your Lord had (so) decided, He would indeed have made man-kind one nation; and (i.e. but) they do not cease differing (among themselves). Excepting the ones on whom your Lord has mercy, and He created them for that (end), and perfected has been the Word of your Lord. "Indeed I will definitely fill Hell with jinn and mankind all together." (Hûd, 11:118-119)

And He says,

﴿ ...لِكُلٍّ جَعَلْنَا مِنكُمْ شِرْعَةً وَمِنْهَاجًا ۚ وَلَوْ شَآءَ ٱللَّهُ لَجَعَلَكُمْ أُمَّةً وَٰحِدَةً وَلَٰكِن لِّيَبْلُوَكُمْ فِى مَآ ءَاتَىٰكُمْ ۖ فَٱسْتَبِقُوا۟ ٱلْخَيْرَٰتِ ۚ إِلَى ٱللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُم بِمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ ﴿٤٨﴾ ﴾

which means, "To every one of you We have made a legislation and a program. And if ᵓAllâh had so decided, He would indeed have made you one nation; but (He did not) that He may try you in what He has brought you. So race with each other in the charitable (deeds); to ᵓAllâh will be your return, altogether; so He will fully inform you of that wherein you used to differ." (ᵓAl-Mâᵓidah, 5:48)

ᵓAllâh informed us that He will judge between people on the Day of Resurrection wherein they used to differ, so He did not leave us in vain, killing each other due to these differences especially since these differences are in Islamic principles, creed, and religion.

Principles for Dealing with People of Other Faiths:

ᵓAllâh revealed rules pertaining to how people should deal with each other in their differences. When we hold a discussion with prominent figures among jurists and heads of assemblies and Islamic centers or with Muslim minorities in a non-Muslim community, the discussion will be limited to the social behavior of Muslim minorities or what we call the jurisprudence of minorities in a non-Muslim community. The most important rules are:

First: Do Not Keep Separate from Society:

There is no evidence that a Muslim should separate himself from non-Muslim communities, according to the following points:

1. The Prophet of ᵓAllâh Ibrâhîm (Abraham, peace be upon him) called his nation to the religion of ᵓAllâh and tried to convince them graciously. He did not isolate himself from them; he merely separated himself from the idols they worshipped. The Glorious Qurᵓân refers to his discussion with his nation. Here are some verses from Chapter Al-Anbiyâ' where ᵓAllâh says:

   ﴿ وَلَقَدْ ءَاتَيْنَآ إِبْرَٰهِيمَ رُشْدَهُۥ مِن قَبْلُ وَكُنَّا بِهِۦ عَٰلِمِينَ (٥١) إِذْ قَالَ لِأَبِيهِ وَقَوْمِهِۦ مَا هَٰذِهِ ٱلتَّمَاثِيلُ ٱلَّتِىٓ أَنتُمْ لَهَا عَٰكِفُونَ (٥٢) قَالُوا۟ وَجَدْنَآ ءَابَآءَنَا لَهَا عَٰبِدِينَ (٥٣) قَالَ لَقَدْ كُنتُمْ أَنتُمْ وَءَابَآؤُكُمْ فِى ضَلَٰلٍ مُّبِينٍ (٥٤) ﴾

   which means, "And indeed We already brought Ibrahîm earlier his right-mindedness and We were knowledgeable of him. As he said to his father and his people, "What are these statues to which you are consecrating (yourselves)?" They said, "We found our fathers worshiping them." He

said, "Indeed you were already, you and your fathers, in evident error." (⊃Al-⊃Anbiyâ⊃, 21:51-54)

2. ⊃Allâh the Exalted ordered the Prophet (peace be upon him) and the Muslims who followed him to emigrate to Al-Madînah in order to establish the Islamic State. For this reason the Prophet (peace be upon him) said, "I am not responsible for any Muslim who stays among polytheists (inside Makkah)."

   Moreover, ⊃Allâh punished those who did not emigrate by depriving them of His support against the polytheists who had signed a treaty with the Muslims, but not from His support against polytheists who had signed no such treaty with the Muslims. ⊃Allâh says,

   ﴿ إِنَّ ٱلَّذِينَ ءَامَنُوا۟ وَهَاجَرُوا۟ وَجَٰهَدُوا۟ بِأَمْوَٰلِهِمْ وَأَنفُسِهِمْ فِى سَبِيلِ ٱللَّهِ وَٱلَّذِينَ ءَاوَوا۟ وَّنَصَرُوٓا۟ أُو۟لَٰٓئِكَ بَعْضُهُمْ أَوْلِيَآءُ بَعْضٍ ۚ وَٱلَّذِينَ ءَامَنُوا۟ وَلَمْ يُهَاجِرُوا۟ مَا لَكُم مِّن وَلَٰيَتِهِم مِّن شَىْءٍ حَتَّىٰ يُهَاجِرُوا۟ ۚ وَإِنِ ٱسْتَنصَرُوكُمْ فِى ٱلدِّينِ فَعَلَيْكُمُ ٱلنَّصْرُ إِلَّا عَلَىٰ قَوْمٍۭ بَيْنَكُمْ وَبَيْنَهُم مِّيثَٰقٌ ۗ وَٱللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٧٢﴾ ﴾

   which means, "Surely the ones who have believed and have emigrated and striven with their riches and their selves in the way of ⊃Allâh, and the ones who have given abode and have vindicated, those are constant patrons of one another. And the ones who have believed, and have not emigrated, in no way are you to offer them patronage in anything till they emigrate; and in case they ask you (help towards) victory in (the name)of the religion, then you have (to help them) towards victory, except against a people between whom and you there is a compact; and

ᵓAllâh is Ever-Beholding whatever you do." (ᵓAl-ᵓAnfâl, 8:72)

Accordingly, after establishing the Islamic State and the submission of the polytheists of Makkah to the judgment of Islam after the conquest of Makkah, the Prophet (peace be upon him) said, "There is no Hejrah (i.e. migration) (from Makkah to Al-Madînah) after the Conquest (of Makkah), but Jihad and good intention remain."[66] And he (peace be upon him) said, " migration should be to abandon evil."[67]

Second: Lawfulness of Acquiring Citizenship from Non-Muslim Nations and Working for Them:

Working in a non-Muslim country is not among the forbidden loyalty, as it is not among supporting them in a war against Muslims.

After the order of immigration to Al-Madînah, some Muslims kept on working at Makkah with polytheists, so ᵓAllâh revealed,

﴿ إِنَّ ٱلَّذِينَ ءَامَنُواْ وَهَاجَرُواْ وَجَٰهَدُواْ بِأَمْوَٰلِهِمْ وَأَنفُسِهِمْ فِي سَبِيلِ ٱللَّهِ وَٱلَّذِينَ ءَاوَواْ وَّنَصَرُوٓاْ أُوْلَٰٓئِكَ بَعْضُهُمْ أَوْلِيَآءُ بَعْضٍۚ وَٱلَّذِينَ ءَامَنُواْ وَلَمْ يُهَاجِرُواْ مَا لَكُم مِّن وَلَٰيَتِهِم مِّن شَيْءٍ حَتَّىٰ يُهَاجِرُواْ ...﴿٧٢﴾ ﴾

which means, "And the ones who have believed, and have not emigrated, in no way are you to offer them patronage in anything till they emigrate." (ᵓAl-ᵓAnfâl, 8:72)

This deprived them from showing loyalty to them; support them till they emigrate.

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[66] Recorded by Al-Bukhâry, n.3006 and by Muslim, (1353/85).
[67] Recorded by Ahmad, vol. 4, n.114.

While dealing with non-Muslims in social matters like selling, buying and working for them, is not among supporting them against Muslims and not among the forbidden loyalty. ʾAllâh, the Exalted and ever Majestic says,

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٨﴾ ﴾

which means, "ʾAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ʾAllâh loves the equitable." (ʾAl-Mumtah̲anah, 60:8)

Sayyid Qut̲b who died as a martyr said, 'The verses concerned with fighting polytheists and not to be loyal to them were concerned with special case inside the Arab Peninsula after the battle of Tabûk in order to face gatherings of Byzantine stationed at borders of the Peninsula to attack Muslims and their State. ʾAllâh says,

﴿ قَـٰتِلُوا۟ ٱلَّذِينَ لَا يُؤْمِنُونَ بِٱللَّهِ وَلَا بِٱلْيَوْمِ ٱلْـَٔاخِرِ وَلَا يُحَرِّمُونَ مَا حَرَّمَ ٱللَّهُ وَرَسُولُهُۥ وَلَا يَدِينُونَ دِينَ ٱلْحَقِّ مِنَ ٱلَّذِينَ أُوتُوا۟ ٱلْكِتَـٰبَ حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ ﴿٢٩﴾ ﴾

which means, "Fight the ones who do not believe in ʾAllâh nor in the Last Day, and do not prohibit whatever ʾAllâh and His Messenger have prohibited, and do not practice the religion of Truth-from among the ones to whom the Book was brought-until they give the tax out of hand and have been belittled." (ʾAt-Tawbah, 9:29)'

And Sayyid Qutb said, 'Those are group from among People of the Book from leaders of the Byzantine that violated their alliance with Muslims and not a general judgment to be applied to all non-Muslims.

Third: Working under authority of non-Muslim:

Concerning working under the authority of non-Muslims and in a non-Muslim country, Ibn Taimiyyah said, 'It is lawful if the job is from the kind that resulted in benefits. Furthermore, it can even be obligatory if it will bring a benefit and prevent an injustice. And if the job includes unjust matters and by quitting it, another person who is more unjust will take over and Muslim is working in order to decrease these unjust, this is good and he will be rewarded according to his intention. This issue differs according to different intentions and wills.'

In support of this viewpoint, Ibn Taimiyyah referred to the fact that Prophet Yûsuf (Joseph, peace be upon him) had not only held an office in the cabinet of Fir'awn (Pharaoh), but also it was he who asked for that as mentioned in the Qur⊃ân. ⊃Allâh says,

﴿ قَالَ ٱجْعَلْنِي عَلَىٰ خَزَآئِنِ ٱلْأَرْضِ ۖ إِنِّي حَفِيظٌ عَلِيمٌ ﴿٥٥﴾ ﴾

which means, "He said, "Set me over the land's treasuries. Surely I am constantly-persevering, constantly-knowing." (Yûsuf, 12:55)

Fourth: Disagreement with the Ruler:

If non-Muslims disagree with the ruler and insist that the contract of Dhimmi (non-Muslims) does not contain any article protecting them, then it is imperative that the Muslim judge takes action for their protection. When damage occurs to the property of non-Muslims at the hands of Muslims, we have seen that it is the duty of Muslims to replace it. Even if the damaged item is prohibited in Islam, as with wine or pig, the ruler should ensure that the non-Muslim is compensated for the damage. The Prophet (peace be

upon him) ordered us to respect their religion even if it has been distorted.[68]

If non-Muslim insisted that he can not pay Jizyah and ruler of Muslims disagreed with him, the say here is according to what this non-Muslim had said till Imam of Muslims proved with evidence other than what he said. Ash-Shâfi'y explained that Allah in (At-Tawbah, 9:29) ordered that Jizyah is to be paid if they were able to do so. Whoever claimed that non-Muslim is able to pay Jizyah should bring evidence.

Fifth: Prohibition of Perfidy:

Islam focuses on the need for truth. Man must be sincere with his superiors, himself and his nation in any oath and covenant that he takes. A soldier is not allowed to betray or deceive. ᵓAllâh says,

﴿ يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ أَوۡفُواْ بِٱلۡعُقُودِ ...﴾

which means, "O you who have believed, fulfill your contracts." (ᵓAl-Mâᵓidah, 5:1)

And He says,

﴿ ...إِنَّمَا يَتَذَكَّرُ أُوْلُواْ ٱلۡأَلۡبَـٰبِ ٱلَّذِينَ يُوفُونَ بِعَهۡدِ ٱللَّهِ وَلَا يَنقُضُونَ ٱلۡمِيثَـٰقَ ﴾

"Surely only the ones endowed with intellects do remind themselves. (Those) who fulfill the covenant of ᵓAllâh and do not break the pact." (ᵓAr-Ra'd, 13:19-20)

And He says,

﴿ وَأَوۡفُواْ بِعَهۡدِ ٱللَّهِ إِذَا عَـٰهَدتُّمۡ وَلَا تَنقُضُواْ ٱلۡأَيۡمَـٰنَ بَعۡدَ تَوۡكِيدِهَا وَقَدۡ جَعَلۡتُمُ ٱللَّهَ عَلَيۡكُمۡ كَفِيلاً ...﴾

[68] Ibid.

which means, "And fulfill the covenant of ⊃Allâh when you have covenanted, and do not break the oaths after they have been affirmed. And you have already made ⊃Allâh Sponsor you." (⊃An-Nahl, 16:91)

Islam stresses the necessity of honoring ones oath and covenant. ⊃Allâh intensifies the oath by attributing it to Himself, and He highly praised those who kept their oaths. Muslims in the times of the Prophet were known for keeping their oaths and avoiding perfidy and treason against friend or foe alike.

The Messenger of ⊃Allâh (peace be upon him) guided us in many hadîths to this righteousness. Anas (may ⊃Allâh be pleased with him) narrated that the Messenger of ⊃Allâh (peace be upon him) said, "For every betrayer there will be an emblem by which he will be recognized on the Day of Resurrection."[69]

The Sunnah of the Prophet (peace be upon him) has many examples of the proper conduct of Muslims; he taught his companions, so that they were exemplary in truth and sincerity. 'Umar bin Al-Khattâb (may ⊃Allâh be pleased with him) wrote to the leaders who led the Islamic conquests, 'If a [Muslim] man calls a polytheist and points a finger to the sky (i.e. to guarantee security from ⊃Allâh), then he has made an oath to him to guard his security. He is under an oath and must keep the covenant he has made before ⊃Allâh.' And Abu Salamah reported that 'Umar said, 'I swear by the One Who has my life in His Hand, if any of you were to point a finger to the sky before a polytheist (as an oath to protection), and then to kill him, I would kill him to take revenge for this polytheist.'[70]

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[69] Recorded by Al-Bukhâry, *Fath Al-Bâry*, vol. 6, p. 283 and by Muslim, *Sharh An-Nawawy*, vol. 12, p. 43.
[70] As-Sarkhasy, *Sharh As-Siyar Al-Kabîr*, vol. 1, p. 265.

'Umar bin Al-Khattâb (may ⊃Allâh be pleased with him) wrote to a leader of an army: 'I was informed that a man from among you was chasing Al-'Ilj (strong non-Muslim male) until Al-'Ilj took refuge in a mountain. The Muslim said, 'Do not be afraid,' while all along he intended to kill him if he caught him. I swear by the One Who has my life in His Hand, whenever I am informed that any of you did so [to a non-Muslim], I will kill him.'[71]

The Prophet (peace be upon him) made a covenant with the Christians of Najrân, which guaranteed that they would not be prevented from building new churches or an abbey.[72] Also, Umar kept his word to the Christians of Banu Taghlub when they expressed their desire to give Zakâh instead of Jizyah.

A covenant between Mu'âwiyah bin Abu Sufyân and Byzantium was set for an approved period of time. When the time stipulated in the agreement drew to an end, Mu'âwiyah approached the Byzantines with his army in order to attack them when the time came. Just then, an old man came forward and suddenly said, '⊃Allâh is the Greatest! let there be faithfulness and not treachery.' This old man was 'Amr bin 'Absah As-Salamy. Mu'âwiyah asked, 'Why did you say these words? 'Amr said, 'I heard the Messenger of ⊃Allâh (peace be upon him) saying, 'When there is a covenant with people one must not strengthen or loosen it until its term is concluded or until he brings it to an end in agreement with them (to make both the parties equal)."[73] And he (peace be upon him) said, "Whoever has the following four (characteristics) wholly classifies as a hypocrite: whenever he is entrusted, he betrays. Whenever he speaks, he lies. Whenever he makes a covenant, he

[71] Ibid.

[72] Ibn Al-Qayyim, *Ahkâm Ahl Adh-Dhimmah*, ed. As-Sâlih, p. 691, Dâr Al-'Ilm Lilmalâyîn, Beirut 1964.

[73] Recorded by Ahmad, *Al-Musnad*, vol. 4, pp. 113& 386.

proves treacherous. Whenever he quarrels, he behaves in a very imprudent, evil and insulting manner."[74] So Mu'âwiyah returned.

Sixth: Respecting Neutrality of Countries:

In Islam, countries which adopt a neutral stance in war, neither fighting the Muslims nor their enemies should be respected accordingly, and should not have to pay Jizyah. ⊃Allâh says:

﴿ فَإِنِ ٱعْتَزَلُوكُمْ فَلَمْ يُقَٰتِلُوكُمْ وَأَلْقَوْا۟ إِلَيْكُمُ ٱلسَّلَمَ فَمَا جَعَلَ ٱللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا ﴿٩٠﴾ ﴾

which means, "So, in case they keep apart from you (and) so did not fight you, and offer you submissiveness, then in no way does ⊃Allâh allow you a way against them." (⊃An-Nisâ⊃, 4:90)

Islam did not impose paying Jizyah upon those who are neutral; This is a general judgment to be applied at any time and with all nations. The following are some examples illustrating this:

1. It was reported in the biography of the Prophet (peace be upon him) that he agreed with Banu Damrah that they adopt a neutral stance toward him and Quraish. Here are the words of the alliance: The Messenger of ⊃Allâh (peace be upon him) went out in the second year after the immigration, twelve days into the month of Safar. He was accompanied by seventy men who had no Christians among them, heading towards the tribes of Quraish and Banu Damrah. He met with the chief of Banu Damrah, Majdy bin 'Amr and together they formed an alliance. This alliance determined, 'He (peace be upon him) will not attack Banu Damrah and they will neither attack him nor gather people or support enemies against him.' This was documented between them.[75] Although rules of neutrality

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[74] Recorded by Al-Bukhâry, vol. 1, p. 84 and by Muslim, p. 58.

[75] See: Ibn Sa'd, *At-Tabaqât*, vol. 2 and *Zâd Al-Ma'âd*, vol. 2, p. 116.

are always set between countries who have authority, and not individuals or tribes, this example shows the lawfulness of the principle itself that can be applied on a larger scale.

2. During his reign, 'Umar bin Al-Khattâb (may ⊃Allâh be pleased with him), made an alliance with Arab of Al-Jarâjimah[76] who inhabited the borders of Syria when they conquered Ash-Shâm (Syria, Lebanon, Palestine and Jordan), becoming supporters of Muslims and spies for them against Byzantium in return for not paying Jizyah.[77]

3. Mu'âwiyah bin Abu Sufyân gave an oath to the Roman Catholics in 653 A.D., which considered it lawful for them to have internal independence, and through which he freed them from paying Jizyah for three years[78] on condition that they provided supplies for fifteen thousand Muslim knights.[79]

Seventh: Prohibiting Transgression against Society:

Seizing the money and property of non-Muslims is not only stealing; it is inviting others to engage in acts that are entirely prohibited. Many in society might think it is permissible to take advantage of others because they do not follow the same faith, while this is against the principles of Islam. Moreover, those who insist on allowing what is forbidden are considered deserters of

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[76] Al-Jarâjimah: plural of Jirjûmah which is a city at mountain of Al-Lakâm. Al-Jarâjimah is the name which people of this city are called and it appeared that this old name remained connected with this city. Al-Jarâjimah used to have great power during the Arab conquest and reign of Ayyubids. *Dâ'iratul-Ma'ârif Al-Islamiyah*, vol. 6, p. 318.

[77] Al-Balâdhry, *Futûh Al-Buldân*, p. 159.

[78] Ibid, p. 209 and after.

[79] Professor Wahbah Az-Zahîly, *Âthâr Al-Harb*, p. 211, Dâr Al-Fikr, Damascus 1981.

their religion. The Prophet (peace be upon him) assigned 'Aly bin Abu Țâlib to stay at Makkah and not to immigrate with him in order to pay back to the polytheists the trusts and money that they had deposited in his house, although he could easily have taken it all with him. However, this is not the behavior of the blessed prophet, even though these polytheists illegitimately took the wealth of Muslims in Makkah, a matter that resulted in battle of Badr. After the victory of Badr, the Prophet (peace be upon him) permitted the Muslims to acquire the booty left behind by the polytheists, but this booty was not the property of one person, since only the ruler has the authority to divide it. The Prophet (peace be upon him) said, "He who takes booty is not one of us." He also said (peace be upon him), "Plunder is more unlawful than carrion."[80]

When the Prophet (peace be upon him) besieged the forts of the Jews who had betrayed him, a man from them approached him with a herd of cattle and said, 'I have just embraced Islam today and these sheep belong to a Jewish man from inside the forts; I present them to you, O Messenger of ⁻Allâh!' The Prophet (peace be upon him) said, "We accept your Islam, but we refuse the sheep. Take them back to their owner.' He said, 'If I enter [the fort] with the sheep, the Jews will not leave me.' The Prophet (peace be upon him) said, 'Let them walk in front of you until they are inside the fort, then leave them to their owners and return alone.'"[81]

Eighth: Necessity of cooperation and solidarity:

Islam sets rules for social solidarity between Muslims and non-Muslims, and upholds that all citizens must cooperate to defend the country in which they live. These principles are defined in the

[80] *Jâmi' Al-Uṣûl*, vol. 2, p. 724 and Ibn Hishâm, *As-Sîrah An-Nabawiyah*, vol. 3, p. 806.
[81] Ibn Hishâm, *As-Sîrah An-Nabawiyah*, vol. 3, p. 806.

covenant that the Prophet (peace be upon him) declared between Muslims and Jews where both came together as one nation to support each other and defend their land. ᵓAllâh says

﴿ ...وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ...﴿٢﴾ ﴾

which means, "And help one another to benignancy and piety." (ᵓAl-Mâᵓidah, 5:2)

Ninth: Necessity for Peaceful Coexistence:

Islam orders Muslims to peacefully coexist with non-Muslims. ᵓAllâh says:

﴿ وَلَا يَجْرِمَنَّكُمْ شَنَـَٔانُ قَوْمٍ أَن صَدُّوكُمْ عَنِ ٱلْمَسْجِدِ ٱلْحَرَامِ أَن تَعْتَدُوا۟ ۘ وَتَعَاوَنُوا۟ عَلَى ٱلْبِرِّ وَٱلتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا۟ عَلَى ٱلْإِثْمِ وَٱلْعُدْوَٰنِ ...﴿٢﴾ ﴾

which means, "And do not let antagonism of a people who barred you from the inviolable mosque provoke you to transgress. And help one another to benignancy and piety, and do not help one another to vice and hostility." (ᵓAl-Mâᵓidah, 5:2)

After first barring the Muslims from entering the Sacred Mosque, the polytheists of Makkah became inclined toward peace and made a truce with Muslims. The Islamic judgment here is to cooperate with them in benignancy and piety.

We have already seen how the Declaration set by the Prophet (peace be upon him) represents the first constitution in the whole world to protect the rights of minorities.

Tenth: Good example:

ᵓAllâh says,

﴿ لَّقَدْ كَانَ لَكُمْ فِى رَسُولِ ٱللَّهِ أُسْوَةٌ حَسَنَةٌ ...﴿٢١﴾ ﴾

which means, "Indeed you have already had a fair example in the Messenger of ᵓAllâh." (ᵓAl-ᵓAhzâb, 33:21)

The Prophet (peace be upon him) said, "Verily ᵓAllâh does not look to your faces but He looks to your hearts and your deeds." Therefore, Islam orders Muslims to set a good example, since they represent Islam in whatever countries they live in. Accordingly, they must convey a message that states that Muslims are moral and decent, and that their treatment of others is with kindness and virtue.

Eleventh: Removing Dubiousness about Prescribed Penalties and Human Rights:

Islamic penalties do not disagree with human rights, even the most speculated penalties, i.e. stoning persons guilty of adultery, hand-severing of those convicted of theft, and passing the death penalty on those convicted of murder. Islam rejects social corruption. Its laws are laid down to discourage those who entertain the thought of committing vile prohibited deeds from proceeding with their actions. A brief explanation follows. Family is the basic unit of society, and should be the cradle of love and harmony, mutual trust and respect. Infidelity between couples creates discord and a breakdown in every value held dear to family life. When a married man/woman engages in extra-marital relations, he/she acts only on selfish, short-lived desires, without regard for the other party or the ultimate fate of the family unit. Marriages dissolve, and children are more than often the victims. Unlawfully begotten children likewise suffer, having no morally acceptable identity. To know that a brief whim will result not only in the breakdown of the marriage, but in public disgrace and death through stoning if discovered, should make a person review his/her need for embarking on a rash adventure. Likewise, consider the fate of a caught thief. A thief has only two hands. These are quite literally, the tools of his trade. If he is made

acutely aware that his actions would result in him losing one or both (he would lose his second hand if he were to return to stealing after the first penalty was enforced), then it would make him think carefully about his actions. As for murder, it is enough said that when European countries repealed capital punishment, violent crimes increased, leading many of these countries to reevaluate the need for this penalty. Moreover, even in countries which do not uphold the death penalty, it is usually the bereaved families of murdered victims that feel that death alone is the befitting punishment for a murderer. Hence, away from idealized notions of reform, or of "leaving a killer to his conscience", in reality, the ruthlessness of murder can only be met with the same bitter pill. ⊃Allâh speaks the truth when he says,

﴿ وَلَكُمْ فِي ٱلْقِصَاصِ حَيَوٰةٌ يَٰٓأُولِي ٱلْأَلْبَٰبِ لَعَلَّكُمْ تَتَّقُونَ ﴿١٧٩﴾ ﴾

which means, "And in retaliation there is life for you, O (men) endowed with intellects, that possibly you would be pious." (⊃Al-Baqarah, 2:179)

It should be known that for each crime, Islam has a penalty which corresponds in intensity to that crime, thus protecting individual, family and community. When a crime does not have a corresponding penalty, as is the case lax penal methods in European countries, crime on a wide scale thrives, with crumbling morals and resilient mobs and gangs at large to victimize the people. Some may argue that some penalties, such as stoning adulterers and hand severing for theft are unduly cruel; however, it is important to stress that the strictest of measures are employed in proving that these crimes were in fact committed by the persons under suspicion. It is rare when such crimes are actually punished, due to the difficult method and conditions that are required to prove they took place. For example, in order to execute the penalty of stoning, adulterers must be seen publicly

engaged in the sexual act by four witnesses who must attest to having explicitly seen the act with their own eyes. Moreover, if their testimonies do not agree with each other, every one of them will receive eighty lashings. Similarly, hand severing does not apply if the thief is a needy person, or if he stole in private away from the eyes of observers.

ᵓAllâh's punishment is meant to restrain us from wrong-doing. ᵓAllâh Almighty is reminding us of the severity of the act (lest we consider our deeds insignificant) by laying down an equally severe punishment. The fact that He has made conditions for executing a punishment so difficult is evidence that He does not wish for us to be disgraced; it is shameful enough for us to know that ᵓAllâh sees and knows what we have done and that He will be displeased with us. It is also enough for us to ask ourselves what our punishment will be like in the eternal Hereafter if these are the punishments stipulated during our transient lives on earth.

Twelfth: Non-Jurisdiction of Compulsory Application of Sharî'ah:

The Prophet (peace be upon him) taught mankind the rule of regional law, which means that the minority has to respect the law and creed of the majority. The last article of the constitution of Al-Madînah included that whenever there is a disagreement about any matter, judgment should be in accordance with the law of ᵓAllâh and His Messenger. That is to say, in cases of difference between minorities, the law that will be applied is law of the country and the government, representative of the majority. It is not the mission of the Muslim minority in Europe to demand the non-Muslim government to apply rules of Islamic Sharî'ah; their mission is to call them to worship ᵓAllâh alone without any partners. If they accept that, they will hasten to apply the Sharî'ah of Islam themselves. The Prophet (peace be upon him) constantly advised those who called people to the religion of Islam to begin by encouraging people to embrace Islam first; when they accept,

then the rules of prayer, Zakâh, and other issues may be convey for them to apply by themselves.

Thirteenth: Rights of Foreigners in Muslim Countries:

Before the revelation of the Glorious Qur³ân, foreigners enjoyed no rights. In the cities of Byzantium and Persia, foreigners were like slaves, deprived of their legal rights. They were not permitted to own anything, marry, or to resort to court in the case of being harmed by others.[82]

When the Prophet (peace be upon him) declared the Islamic government in Al-Madînah in the seventh century A.D. / first year after Hegira, he repealed this unjust system. The Qur³ân guaranteed to protect the rights and safety of the foreign non-Muslim in the Muslim state. ³Allâh says,

﴿ وَإِنْ أَحَدٌ مِّنَ ٱلْمُشْرِكِينَ ٱسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلَٰمَ ٱللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُۥ ۚ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَّا يَعْلَمُونَ ﴿٦﴾ ﴾

which means, "And in case any of the associators seeks of you neighborly (protection), then grant him neighborly (protection) till he hears the Words of ³Allâh; thereafter convey him to his secure place. That (is) for that they are a people who do not know." (³At-Tawbah, 9:6)

Ibn Kathîr said in his interpretation of this verse, 'Whoever comes from a land not ruled by Muslims to a land ruled by them in order to deliver a message, engage in trade, or to negotiate peace, or a truce, etc, will be given protection until he returns to his house and home.'[83]

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[82] Professor 'Izud-Dîn 'Abdullâh, *Al-Qânûn Ad-Dawly Al-Khâṣ*, vol. 1, p. 11.
[83] Ibn Kathîr, *Tafsîr*, vol. 4, p. 119.

Sa'îd bin Jubair (may ⊃Allâh be pleased with him) reported that a man from among the polytheists asked 'Aly bin Abu Ṯâlib (may ⊃Allâh be pleased with him) about the fate of polytheists who had broken a covenant made with the Muslims, once the customary four months' grace period given by Muslims for repentance was over. 'If anyone of us wishes to approach Muhammad after the termination of the grace period permitted to polytheists, would he be slain?'

'Aly (may ⊃Allâh be pleased with him) said, ' No, he will not be slain, for ⊃Allâh says,

﴿ وَإِنْ أَحَدٌ مِّنَ ٱلْمُشْرِكِينَ ٱسْتَجَارَكَ فَأَجِرْهُ حَتَّىٰ يَسْمَعَ كَلَـٰمَ ٱللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُۥ ذَٰلِكَ بِأَنَّهُمْ قَوْمٌ لَّا يَعْلَمُونَ ﴿٦﴾ ﴾

which means, "And in case any of the associators seeks of you neighborly (protection), then grant him neighborly (protection) till he hears the Words of ⊃Allâh; thereafter convey him to his secure place. That (is) for that they are a people who do not know." (⊃At-Tawbah, 9:6)

Al-Qurṯuby said of this verse that it stands '...among the entirely clear verses of the Qur⊃ân .... till the Day of Resurrection.'[84] It calls for a principle that remains unchanged forever.

Imam Al-Ḫasan Al-Basry said, 'This protection [of Muslims to non-Muslims] is general and not just during the time revealed. It does not end after the polytheist ends his initial cause for coming to Muslim lands, but continues throughout his stay there, even if there is a war between the Muslims and the nation this polytheist comes from.'[85]

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[84] Al-Qurṯuby, *Tafsîr*, vol. 1, p. 77.
[85] Az-Zamakhshary, *Tafsîr Ak-Kashshâf*, vol. 2, p. 29.

Thus foreigners staying in Muslim countries are to be guaranteed right of protection, regardless of the political relations between both countries.

Protection in Islam is not a means of gaining entrance and permanent residency to a country, since residency arrangements can only be guaranteed by the governing body.

It is, however, a contract that individual, family or ruler can conclude. Al-Bukhâry recorded in his Sahîh that Umm Hâni' (may ᵓAllâh be pleased with her) went to the Prophet (peace be upon him) in the year of the conquest of Makkah and said, "O Messenger of ᵓAllâh! My brother has told me that he will kill a person for whom I gave shelter.' The Prophet (peace be upon him) said, 'We will shelter this person whom you have sheltered.'"[86]

The Prophet (peace be upon him) also said, "The asylum granted by any Muslim is to be secured (respected) by all other Muslims; whoever betrays a Muslim in this respect incurs the curse of ᵓAllâh, the angels, and all the people."[87]

Contemporary systems and modern laws have let the code of war govern relations between neighboring countries. Accordingly, relations are severed and no communication between the peoples of these countries is allowed until peace is declared.[88] In contrast, the Islamic state in the seventh century AD improved international relations by providing protection for warriors. Any Individual, family or ruler can guarantee this protection. Even a slave has the right to shelter and protect a non-Muslim. All that is required is that he or she be a Muslim with intact faculties of reasoning.[89]

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[86] Al-'Ainy, *'Umdatul-Qâri' sharh sahîh Al-Bukhâry*, vol. 4, p. 63.
[87] Recorded by Al-Bukhâry, n.1771 and by Muslim, n.1371.
[88] Professor Hâfizh Ghânim, *Al-Qânûn Ad-Dawly Al-'Âm*, p. 596.
[89] 'Alâ'ud-Dîn Al-Kâsâny, *Badâ'i' As-Sanâ'i'*, vol. 7, p. 106.

The Prophet (peace be upon him) said, "If any man from among your nobles or lowers, be they free men or slaves, guarantees a man from among them (polytheists) asylum (of protection) or points to him (indicating protection) and the other man approaches because of this sign, he will be guaranteed protection until he hears the Words of ᵓAllâh."[90]

Guaranteeing the right of protection, according to the views of some schools, like Hanafy and some Mâliky and Shâfi'iy jurists, is not to be generalized to all occasions. It should be limited to the particular instructions given by the ruler that allow/prohibit such an arrangement. This is important because although protection may spare blood in times of war, it can have disastrous consequences for Muslims if they shelter a traitor or spy. As an example, Al-Mughîrah bin Shu'bah guaranteed protection to a Magi man called Abu Lu'lu'ah Al-Majûsy. He stayed in Al-Madînah at the time when the caliph 'Umar bin Al-Khattâb had prevented foreigners from residing in the capital of the caliphate; Umar, however, respected Al-Mughîrah's deed. Abu Lu'lu'ah along with Jufainah and Al-Hurmuzân, the last being the leader of the Persian armies, had been defeated by the Muslims in Al-Madâ'in. He then made an alliance and breached it, was once again defeated, captured and transported to Al-Madînah. There, he pretended to embrace Islam, in order to stay in the city. The three men together plotted to kill the caliph 'Umar bin Al-Khattâb in revenge for him defeating both the Persians and the Byzantines. They agreed that Abu Lu'lu'ah should go through with the plot. In the dead of night he pretended to perform prayer with other Muslims, and during Fajr (dawn) prayer, he stabbed the caliph six times while he led the congregational prayer. As he escaped,, he

[90] Al-Qarâfy, *Al-Furûq*, vol. 3, p. 24, Al-Husain As-Sibâ'y, *Ar-Rawd An-Nadîr*, vol. 4, p. 229, and Ahmad bin Yahyâ bin Al-Murtadâ, *Al-Bahr Az-Zakhkhâr*, vol. 5, p. 452.

stabbed thirteen other men, half of whom died. He then killed himself. The caliph died from his fatal wounds.[91]

Fourteenth: The Islamic View Concerning the Subjects of a Hostile Country

If war were to break out between a Muslim and non-Muslim nation, like the war between the Palestinians and the Israelis, International law permits, when necessary, capturing civilians of the hostile country. Before the issuing of the United Nation's Charter, one country would arrest and imprison the subjects of another as soon as war had broken out. These would be considered prisoners of war, even though they were not soldiers. Moreover, their property would be confiscated.

However, after issuance of the United Nations Charter, other bills were passed to protect civilians, namely, the Universal Declaration of Human Rights on December 10, 1948, and the Geneva Convention for the protection of civilians during wartime issued in 1949. Article 42 of the latter banned arresting the subjects of enemies or imposing restrictions on movements except in cases when a country's safety is at stake.

However, according to Islamic judgments, when a foreigner enters Muslim land, he is guaranteed by law full freedom of movement and of conducting all forms of transactions. Such a right remains even after war breaks out with his country. No restrictions are imposed on him except for complying with the regional rules whether in civilian or criminal matters.

If there is any concern in any way that his country is using him as a spy, Muslims have no power over him except to keep him away from their land, as Emir of the Believer 'Umar bin Al-Khaṯṯâb did.

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[91] *Al-Khilâfah wal-Khulafâ' Ar-Râshidûn*, pp. 198-202, Dâr Az-Zahrâ', Egypt and Dâr Al-Manâr, Kiewit, 1420 A.H., 1999 A.D.

He withdrew from Al-Madînah and Khaibar all the Jews, as recorded by Al-Bukhâry and Al-Baihaqy.[92]

Thus, the covenant of peace in Islam protects a person and his property in a way never found in any international law. According to International law, the nation can confiscate the property of civilians. During the First World War in 1914, and the Second World War in 1945, nations decided that it was permissible to do the following[93]:

1. To reserve the property of subjects from the hostile nation.
2. To expropriate such people of their property and put them under siege.
3. To sell their property.

In contrast, Islamic law secures peace for a person, and his property is protected. He is entitled to continue his commercial activities in the Muslim country, and whoever ruins his property is obliged to compensate him. The rights of the enemies residing in Muslim countries during war are:

1. His property remains in his possession. It is neither reserved nor confiscated. The four founders of major Juristic schools believe that if such a person comes back to settle in the warring country, this does not break the covenant of peace granted to him and his property.[94]
2. If he dies in a Muslim country or in a land where there is war, his money goes to his heirs. If he was killed in

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[92] Recorded by Al-Bukhâry, vol. 3, p. 105; Al-Baihaqy, *Sunan*, vol. 5, p. 207; and Ibn Hishâm, *Sirah*, vol. 2, p. 356.

[93] Prof. Muhammad H̲âfizh Ghânim, *Mabâdi' Al-Qânûn Ad-Dawly Al-'Âm*, vol. 5, p. 598; Mahmûd Sâmy Junînah, *Qânûn Al-H̲arb wal-H̲iyâd*, p. 222; and 'Aly Abu Heif, *Al-Qânûn Ad-Dawly Al-'Âm*, p. 612, version of 1959.

[94] As-Sarkhasy, *Al-Mabsûy̲*, vol. 1, p. 91; and Ash-Shâfi'y, *Al-Umm*, vol. 4, p. 191.

Muslim countries, the state is obliged to pay Diyah (blood-money) to his heirs. Imam At-Tabary reported the Jurist's consensus regarding this matter.[95]

Jurists consider that if a disbeliever who is not on peaceful terms with Muslims is granted peace by the ruler for a definite or an indefinite period, then his safety is guaranteed. It is impermissible to aggress or attack him[96].

Judgments pertaining to War in Christianity

ᵓAllâh sent 'Îsâ (Jesus, peace be upon him) to put an end to the deviations of the rabbis, who had long since distorted the message of prophet Musâ (Moses, peace be upon him). For this reason, Jesus' message was one of love, forgiveness and not of war or fighting. Thus, we find therein no judgments pertaining to penalties and fighting according to the concept of Islamic law.[97] In Christianity, there is nothing like a religious system of Jihâd (fighting in the Cause of ᵓAllâh), for 'Îsâ (peace be upon him) did not deal with legislations. In all his religious and worldly teachings, while talking about marriage and divorce for example, he never legislated any rules binding to the society neither in internal nor external law[98]. Rather, he called for peace, for spiritual Jihâd and for resorting to arms when necessary.

His call for peace and love is seen in the fifth chapter of Mathew, "Blessed are the meek: for they shall inherit the earth." (Mt:5:5) "Blessed are the peacemakers: for they shall be called the children

[95] At-Tabary, *Ikhtilâf Al-Fuqahâ'*, p. 51.
[96] Ibn Qudâmah, *Al-Mughny*, vol. 8, p. 543; Ash-Shirbîny, *Mughny Al-Muhtâj*, vol. 4, p. 234; As-Sarkhasy, *Sharh As-Siyar Al-Kabîr*, vol. 1, p. 283; Al-Hattâb, *Mawâhib Al-Jalîl*, vol. 3, p. 36; Ash-Shawkâny, *Nail Al-Awtâr*, vol. 8, p. 34; and Ash-Shîrâzy, *Al-Muhadhdhab*, vol. 2, p. 234.
[97] *Dâ'irat Al-Ma'ârif Al-'Arabiyyah*, vol. 6, p. 574.
[98] Hilmy Butrus, *Al-Ahwâl Ash-Shakhsiyyah Lighair Al-Muslimîn*, p. 128, *Dâ'irat Al-Ma'ârif*, ibid.

of God." (Mt:5:9) "Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment: But I say unto you, that whosoever is angry with his brother without a cause shall be in danger of the judgment: and whosoever shall say to his brother, Raca, shall be in danger of the council: but whosoever shall say, Thou fool, shall be in danger of hell fire." (Mt:5:21-22) "Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth: But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also. And if any man will sue thee at the law, and take away thy coat, let him have thy cloke also. And whosoever shall compel thee to go a mile, go with him twain. Give to him that asketh thee, and from him that would borrow of thee turn not thou away." (Mt:5:38-42) "Ye have heard that it hath been said, Thou shalt love thy neighbor, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." (Mt:5:43-44)

Jesus Christ and Taking Up Arms

Jesus Christ ordered his followers to take up arms only for defending themselves. In the Book of Luke, Jesus Christ says, "...he that hath no sword, let him sell his garment, and buy one." (Lk:22:36) In the Book of Mathew, "Think not that I am come to send peace on earth: I came not to send peace, but a sword." (Mt:10:34) In the Book of Luke, "I am come to send fire on the earth; and what will I, if it be already kindled?" (Lk:12:49)

All of these teachings were addressed to those Jews who do mischief on earth and make lawful killing people (other than Jews) and ransacking their property.

Jewish Judgments Pertaining to Non-Jews

All peace treaties held with Israel, whether by Egyptians or Palestinians, have revealed that they follow strictly what is recorded in the Zionist Protocols. They have violated all covenants with races other than their own, and transgressed their homes and property. If they deny the presence of such protocols and if the United States supports their claims, they cannot possibly deny what is recorded in the Tawrâh (Torah). History has never known war fiercer than that upheld by the Jewish religion. In the Tawrâh, war means eradication and extermination. It is mentioned in the thirteenth chapter of the Book of Deuteronomy, "Thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattle thereof, with the edge of the sword. And thou shalt gather all the spoil of it into the midst of the street thereof, and shalt burn with fire the city, and all the spoil thereof every whit, for the Lord thy God: and it shall be an heap for ever; it shall not be built again. (Dt: 13:15-16)

In the twentieth chapter, is mentioned,

> "When thou comest nigh unto a city to fight against it, then proclaim peace unto it. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the people that is found therein shall be tributaries unto thee, and they shall serve thee. And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it: And when the Lord thy God hath delivered it into thine hands, thou shalt smite every male thereof with the edge of the sword: But the women, and the little ones, and the cattle, and all that is in the city, even all the spoil thereof, shalt thou take unto thyself; and thou shalt eat the spoil of thine enemies, which the Lord thy God hath given thee. Thus shalt thou do unto all the

cities which are very far off from thee, which are not of the cities of these nations. But of the cities of these people, which the Lord thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth: But thou shalt utterly destroy them; namely, the Hittites, and the Amorites, the Canaanites, and the Perizzites, the Hivites, and the Jebusites; as the Lord thy God hath commanded thee: That they teach you not to do after all their abominations, which they have done unto their gods; so should ye sin against the Lord your God." (Dt:20:10-18)

Non-Muslims and the Palestinian Issue

For sometime now, the Jews of Israel, with the aid and blessing of the American administration have been killing Palestinians, confiscating their property and practicing all kinds of aggression.

Some Muslims might think that it is justifiable to treat them in the same way in acts of retaliation. That means Jews and Americans living in Arab or European countries would be killed, their properties confiscated or ransacked.

However, this is not what Islam calls for. Only those who attack us can be attacked, and within certain limits only. Penalty in Islam is concerned with the person who committed a wrong-doing, and can never exceed him to another. That means only our aggressors should receive retaliation. ᵓAllâh says:

﴿...وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ...﴾

which means, "And no encumbered self is encumbered by the encumbrance of another self." (ᵓAl-ᵓAnᶜâm, 6:164)

Moreover, it is not the responsibility of individuals to payback, but of governments. When 'Ubaidullâh bin 'Umar killed Al-Hurmuzân for murdering his father, the Companions gave their

legal opinion that 'Ubaidullâh be executed for killing Al-Hurmuzân. They said that only rulers or their appointed judges have the right to give verdicts against people.

It is impermissible for the penalty to go beyond the wrongdoer as a person. In addition, the penalty must not exceed the limits of the initial aggression, for ⊃Allâh says,

﴿ وَقَٰتِلُواْ فِي سَبِيلِ ٱللَّهِ ٱلَّذِينَ يُقَٰتِلُونَكُمۡ وَلَا تَعۡتَدُوٓاْۚ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلۡمُعۡتَدِينَ ١٩٠ ﴾

which means, "And fight in the way of ⊃Allâh the ones who fight you, do not transgress; surely ⊃Allâh does not love the transgressors." (⊃Al-Baqarah, 2:190)

⊃Allâh also reminds us of His Judgments sent to the Jews in their Tawrâh and which they distorted. ⊃Allâh says,

﴿ وَكَتَبۡنَا عَلَيۡهِمۡ فِيهَآ أَنَّ ٱلنَّفۡسَ بِٱلنَّفۡسِ وَٱلۡعَيۡنَ بِٱلۡعَيۡنِ وَٱلۡأَنفَ بِٱلۡأَنفِ وَٱلۡأُذُنَ بِٱلۡأُذُنِ وَٱلسِّنَّ بِٱلسِّنِّ وَٱلۡجُرُوحَ قِصَاصٞۚ فَمَن تَصَدَّقَ بِهِۦ فَهُوَ كَفَّارَةٞ لَّهُۥۚ وَمَن لَّمۡ يَحۡكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُوْلَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ ٤٥ ﴾

which means, "And therein we prescribed for them, "The self for the self, and the eye for the eye, and the nose for the nose, and the ear for the ear, and the tooth for the tooth, and for wounds retaliation. So, whoever donates it, then it is an expiation for him. And whoever does not judge according to what ⊃Allâh has sent down, then those are they (who are) the unjust." (⊃Al-Mâ⊃idah, 5:45)

If the Jews, or any other nation, disregarded the Judgments of ⊃Allâh revealed to them in their religion and distorted them,

Muslims can never abandon or disregard the Judgments of ᵓAllâh regarding the human soul, his property, or any other aspect pertaining to him, even if it is of minor importance.

Killing a human being is a deadly sin. Since ᵓAllâh knew at the very beginning of time that the Jews would deviate from His Judgment, He forbade killing in the first place. That is why in the verses that follow the description of how Kane killed his brother Abel we find that ᵓAllâh has revealed:

﴿ مِنْ أَجْلِ ذَٰلِكَ كَتَبْنَا عَلَىٰ بَنِىٓ إِسْرَٰٓءِيلَ أَنَّهُۥ مَن قَتَلَ نَفْسًۢا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِى
ٱلْأَرْضِ فَكَأَنَّمَا قَتَلَ ٱلنَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَآ أَحْيَا ٱلنَّاسَ جَمِيعًا ۚ وَلَقَدْ
جَآءَتْهُمْ رُسُلُنَا بِٱلْبَيِّنَٰتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُم بَعْدَ ذَٰلِكَ فِى ٱلْأَرْضِ لَمُسْرِفُونَ ﴿٣٢﴾ ﴾

which means, "On that account We prescribed for the Seeds of Israil that whoever kills a self-other than for (killing another) self or for corruption in the earth-then it will be as if he had killed mankind altogether; and whoever gives life to it, then it will be as if he had given life to mankind altogether. And indeed Our Messengers have already come to them with supreme evidences; thereafter surely many of them after that are indeed extravagant in the earth." (ᵓAl-Mâᵓidah, 5:32)

According to the Laws of ᵓAllâh and the custom of people, it is permissible to return the aggression of Jews in occupied Palestine, but going beyond that, attacking peaceful people among tourists and inhabitants of Arab and Islamic countries, in places other than Palestine, is prohibited by Islam. On the contrary, it orders us to be just and righteous toward them. ᵓAllâh says,

﴿ لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَٰرِكُمْ أَن تَبَرُّوهُمْ
وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٨﴾ ﴾

which means, "ᵓAllâh does not forbid you (as regards) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely ᵓAllâh loves the equitable." (ᵓAl-Mumtahanah, 60:8)

Ibn Mâjah recorded in *Ad-Diyât* Chapter that the Prophet (peace be upon him) said, "Whoever kills a person who holds a covenant (with Muslims) will be prohibited [even] the scent of Paradise. Verily, its scent trails off to a distance that would be covered in forty years of walking." The person who holds a covenant with a Muslim is the non-Muslim who legally enters an Islamic country whether with the intention of visiting or residing.

Imam Muslim recorded in his *Sahîh* in *Al-Jihâd* Chapter that 'Umar bin Al-Khattâb (may ᵓAllâh be pleased with him) said, "When the Messenger of ᵓAllâh (peace be upon him) entered Makkah, he saw a woman being killed. Upon seeing her, he said, 'She would not have fought!' He forbade the killing of women and children."

Conclusion

The history of Islam, since the beginning of its first state up to our contemporary age, supports the fact Islam is the only religion that recognized others and marinated their rights. Throughout the history, one can not find even a single case in which Muslims coerced others to abandon their religions and convert to Islam. Rather, for anyone to embrace Islam, their faith and belief should be sincere and should be supported by their own willingness to commit themselves to the Shari'ah of Islam. On the contrary, anyone can see what Muslims are currently suffering and how are they treated, the matter that denies all religions and/or beliefs.

It should be made clear and the humanity should know that Islam is the religion chosen by ᵓAllâh (God) to be the universal religion preached by all prophets. It should also be known that Muḫammad, the Prophet of Islam, (peace be upon him) was sent as mercy to all mankind. ᵓAllâh says:

﴿ قُلْ يَـٰٓأَيُّهَا ٱلنَّاسُ إِنِّى رَسُولُ ٱللَّهِ إِلَيْكُمْ جَمِيعًا ... ﴾

which means, "Say, "O you mankind, surely I am the Messenger of ᵓAllâh to you altogether..." (Al-ᵓAᶜrâf, 7:158)

Islam teaches its adherents to accept others and treat them very well not matter what religion they believe in, or whether they were Muslims or non-Muslims.

Concluding this work, we wish all readers, both Muslims and non-Muslims, could benefit from it knowing sound views on many of the misconceptions of Islam and getting answers to many of the questions they might used to have. We wish we could cover such topics as the peaceful coexistence between Muslims and non-Muslims, establishing social relations and carrying out different transactions through the points covered in this book, which we tried to explain and support from Qurᵓân, Sunnah and

the actual history of that the Prophet (peace be upon him), his Companions and their successors (may Allah be pleased with them). The history of such very early Muslim generations reveals real experiences of coexisting between Muslims and their fellow non-Muslim people; either they were neighbors or citizens of the Muslim State. It also includes accounts on the opposite state having Muslim minorities living in non-Muslim communities. The accounts and legal rulings throughout the book were made to be consistent with the fatwas delivered by great Muslim scholars, and otherwise is not certain.

